

LAWS  
OF THE  
Territory of Hawaii  
PASSED BY THE  
LEGISLATURE  
AT ITS  
REGULAR AND EXTRA SESSIONS  
1905

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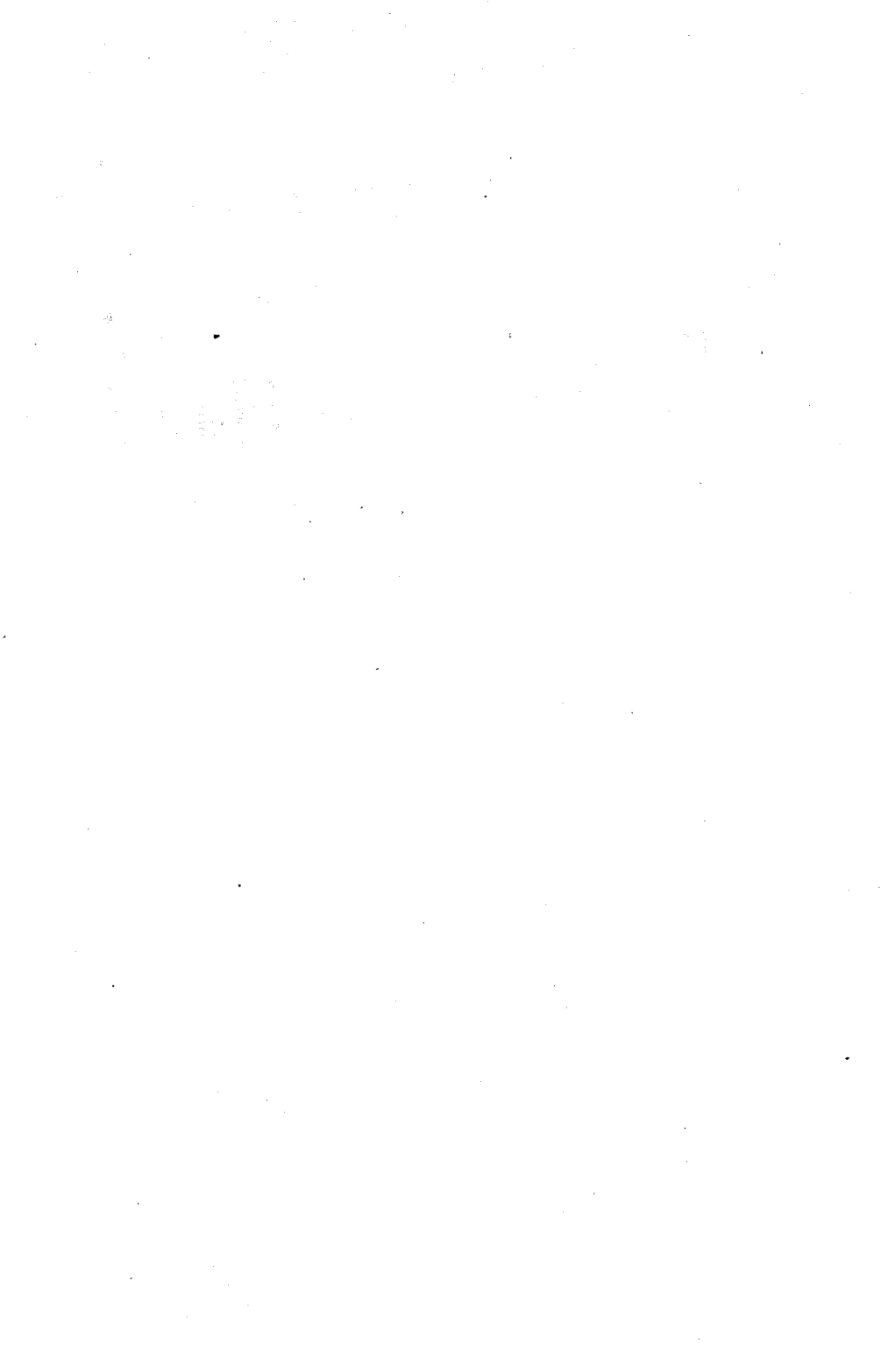
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HONOLULU :  
THE BULLETIN PUBLISHING CO., LTD.  
1905.



# CONTENTS.

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## REGULAR SESSION.

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Act No.		Page.
1.	An Act Appropriating Money for the Purpose of Defraying the Expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii, of the Year 1905, from the Public Treasury.....	1
2.	An Act to appropriate Money for the Purpose of Defraying the Expenses of the Session of the House of Representatives, Territory of Hawaii, of the Year 1905, from the Public Treasury.....	2
3.	An Act To Enact the Revised Laws of Hawaii.....	2
4.	An Act Providing for Indexing the Records in the Office of the Registrar of Conveyances.....	5
5.	An Act to Regulate the Examination of Jurors as to their Qualification or Interest.....	8
6.	An Act To Encourage Diversified Industries.....	8
7.	An Act Amending Sections 2358 and 2359 of the Revised Laws of Hawaii, Relating to the Duties of the Registrar of Conveyances .....	9
8.	An Act To Provide for the Return of Summons to and the Trial of Causes at Terms of Court Pending Immediately after Twenty Days After Service .....	11
9.	An Act To Promote the Display of the United States Flag...	11
10.	An Act To Provide for Making Writs of Execution and other Writs of Circuit Courts and Circuit Judges at Chambers Available in all of the Circuits of the Territory of Hawaii	13
11.	An Act To Amend Section 2210 of the Revised Laws of Hawaii .....	13
12.	An Act Making Special Appropriation for the Immediate Use of the Board of Agriculture and Forestry.....	14
13.	An Act Relating to Bills of Exceptions, Amending Section 1864, Revised Laws of Hawaii .....	15

Act No.		Page.
14.	An Act Relating to Amendments of Bonds in Judicial Proceedings, Amending Section 1885 of the Revised Laws of Hawaii . . . . .	16
15.	An Act To Amend Sections 3190 and 3191 of the Revised Laws of Hawaii, Regulating the Observance of Sunday, and Adding a new Section Thereto . . . . .	16
16.	An Act to Amend Section 1820 of Revised Laws of Hawaii.	19
17.	An Act To Limit the Time Within Which Certain Criminal Actions May be Prosecuted . . . . .	19
18.	An Act To Prevent and Punish the Desecration of the Flag of the United States . . . . .	20
19.	An Act To Amend Sections 2230 and 2232 of the Revised Laws of Hawaii, Relating to Annulment, Divorce and Separation . . . . .	22
20.	An Act To Provide for the Publication of the Decisions of the United States District Court for Hawaii . . . . .	23
21.	An Act To Amend Sections 1035 and 1039 of the Revised Laws of Hawaii, Relating to Cleaning of Streets, Removal of Garbage, Dead Animals and Other Nuisances, Cleaning of Cesspools, and Making Sewer Connections in any City, Town or Village in the Territory of Hawaii, and to Establish Rates and Charges in Such Matters . . . . .	24
22.	An Act To Repeal Sections 2683, 2684 and 2686 of the Revised Laws of Hawaii . . . . .	25
23.	An Act Providing for the Filing of Plans and Surveys of Land in the Office of the Registrar of Conveyances . . . . .	26
24.	An Act Providing for a Board of Commissioners of Public Archives . . . . .	27
25.	An Act Relating to the Taxation of Social Clubs . . . . .	28
26.	An Act To Amend Section 86 of the Revised Laws of Hawaii	29
27.	An Act To Amend Section 3124 of the Revised Laws of Hawaii . . . . .	30
28.	An Act Regulating the Trial and Probation of Juvenile Delinquents . . . . .	31
29.	An Act To Amend Section 3029 of the Revised Laws of Hawaii . . . . .	33
30.	An Act Providing a Penalty for the Wrongful Taking, Detention, Alteration, Erasure or Mutilation of Any Public Record . . . . .	33
31.	An Act Requiring Second-Hand Dealers to Procure Licenses	34
32.	An Act Regulating the Payment of License Fees . . . . .	35
33.	An Act Relating to Fines and Costs in Criminal Cases, Amending Sections 2886, 2887 and 2888 of the Revised Laws of Hawaii . . . . .	36



Act No.	Page.
34. An Act To Amend Section 1644 of the Revised Laws of Ha- wail . . . . .	38
35. An Act Amending Sections 1392 and 1393 of the Revised Laws of Hawaii . . . . .	39
36. An Act To Amend Sections 1804 and 1805 of the Revised Laws of Hawaii, Relating to Judgments, Executions and New Trials . . . . .	41
37. An Act To Amend Section 1646 of the Revised Laws of Ha- wail, Relating to Terms of the Circuit Courts. . . . .	42
38. An Act Defining the Offense of Usury and Providing for the Punishment Thereof . . . . .	44
39. An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof. . . . .	44
40. An Act To Regulate the Practice of Veterinary Medicine, Surgery and Dentistry in the Territory of Hawaii. . . . .	82
41. An Act Providing for the Appointment and Duties of Boards of Prison Inspectors, Repealing Sections 1598 to 1607 Both Inclusive of the Revised Laws of Hawaii . . . . .	86
42. An Act To Amend Section 991 of the Revised Laws of Ha- wail . . . . .	88
43. An Act To Amend Section 2284 of the Revised Laws of Ha- wail, Relating to the Widow's Election of Dower. . . . .	89
44. An Act To Regulate Costs in Equity Cases. . . . .	90
45. An Act To Amend Section 645 and Repealing Section 646 of the Revised Laws of Hawaii . . . . .	91
46. An Act Regulating the Business of Farriers and Horse- Shoers . . . . .	92
47. An Act To Provide for a High School in Hilo, Island and Territory of Hawaii, under the Department of Public In- struction of the Territory . . . . .	93
48. An Act To Amend Section 1068 of the Revised Laws of Ha- wail . . . . .	95
49. An Act To Provide for a Board of Immigration and Defining Its Duties . . . . .	96
50. An Act To Amend Sections 1610, 1613 and 1616 of the Re- vised Laws of Hawaii Relating to Commutation. . . . .	100
51. An Act To Amend Section 2693 of the Revised Laws of Ha- wail . . . . .	101
52. An Act in Relation to Suits on Open Accounts . . . . .	102
53. An Act to Provide One Fire Department for the Towns of Wailuku and Kahului, One for the Town of Lahaina, and One for Any Other Town in the Territory Where Such Department is Properly Organized Under the Provisions of this Act. . . . .	103

Act No.		Page.
54.	An Act To Amend Act 39 of the Session Laws of 1905, Entitled "An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof.".....	109
55.	An Act For Funding Bonded Indebtedness.....	111
56.	An Act To Amend Section 1 of Act 34 of the Laws of the Session of 1905 .....	114
57.	An Act In Relation to the Licensing of Emigrant Agents	115
58.	An Act Creating the Honolulu Jail, and Prescribing That Felons Shall Not Be Confined Therein.....	116
59.	An Act Relating to Prisoners Other Than Felons.....	116
60.	An Act Amending Section 643 of the Revised Laws of Hawaii, Relating to Driving or Riding Across Bridges.....	117
61.	An Act To Amend Sections 1660 and 1661 of the Revised Laws of Hawaii Relating to the Appointment and Removal of District Magistrates .....	118
62.	An Act To Prevent the Wanton Destruction of Food Fishes Living in the Waters of the Territory of Hawaii.....	119
63.	An Act Providing for the Parole of Prisoners.....	120
64.	An Act Authorizing the Issuance of Certificates of Hawaiian Birth .....	122
65.	An Act Amending Sections 379 and 381 of the Revised Laws of Hawaii Providing for the Encouragement and Protection of Agriculture, Horticulture and Forestry.....	124
66.	An Act To Authorize and Provide for the Construction, Maintenance and Operation of a Telephone System on the Island of Oahu, Territory of Hawaii, by the "Standard Telephone Company, Limited.".....	125
67.	An Act To Regulate the Manufacture and Sale of Intoxicating Liquors, Repealing Chapter 103 of the Revised Laws of Hawaii.....	132
68.	An Act Defining Fiduciary Companies, and Regulating the Same by Requiring Financial Statements Therefrom...	155
69.	An Act To Regulate Trust Companies.....	157
70.	An Act To Amend Section 2361 of the Revised Laws of Hawaii, Relating to Acknowledgements and Proofs of Instruments .....	163
71.	An Act To Provide for the Protection of Forest Land Within the Territory from Fire.....	164
72.	An Act To Repeal Sections 1058, 1059, 1061 and 1062 of the Revised Laws of Hawaii, Relating to Manufacture of Poi .....	166
73.	An Act To Appropriate Money for the Purpose of Defraying the Expenses of the Special Election of the Year 1905, Under the Provisions of the County Act, from the Public Treasury. ....	167

Act No.	Page.
74. An Act To Amend Sections 1770, 1776, 1777, 1779, 1780, 1782 and 1786 of Chapter 119 of the Revised Laws of Hawaii, Entitled "Juries and Trial By Jury" and to Add a New Section to Said Chapter to be known as "Section 1782 A.".....	168
75. An Act Relating to Trial Jurors.....	173
76. An Act To Amend Section 2592 of the Revised Laws of Hawaii . . . . .	174
77. An Act To Amend Section 2621 of the Revised Laws of Hawaii Relating to Taxation of Insurance Corporations and Companies . . . . .	174
78. An Act To Amend Section 842 of Chapter 66 of the Revised Laws of Hawaii . . . . .	176
79. An Act Relating to Set-off, Adding a New Section to the Revised Laws . . . . .	177
80. An Act To Repeal Chapter 36 of the Revised Laws of Hawaii Relating to Diseases of Sheep.....	178
81. An Act To Amend Chapter 35 of the Revised Laws of Hawaii Relating to Diseases of Animals . . . . .	179
82. An Act To Amend Sections 378, 388 and 390 of Chapter 28 of the Revised Laws of Hawaii Relating to Board of Agriculture and Forestry, and Adding to Said Chapter 28 Seven New Sections to be Known as Sections 390 A., 390 B., 390 C., 390 D., 390 E., 390 F., and 390 G.....	180
83. An Act To Declare the Effect of an Adoption of a Child...	183
84. An Act Relating to Attachments.....	184
85. An Act Making It a Misdemeanor to Sell or Exchange Property Under Representation, Advertisement, Notice or Inducement That an Unidentified, Unknown, Unselected, or Chance Prize, Premium or Premium-Gift or that a Stamp, Trading Stamp, Coupon or Other Like Device Entitling the Holder to Receive Such a Prize, Premium or Premium-Gift, or That the Redemption of Such a Stamp, Trading Stamp, Coupon or Other Like Device so Given Is to be Part of the Transaction, or to Sell or Exchange Any Trading Stamp, Stamp, Coupon or Other Like Device to Aid Such Sale or Exchange, as Aforesaid and Providing a Penalty Therefor.....	192
86. An Act To Protect Vested Fishing Rights.....	194
87. An Act To Amend Sections 1278, 1279, 1280, 1281, 1282, 1283, 1286 and 1288 of the Revised Laws of Hawaii, Relating to Income Tax.....	195
88. An Act To Amend Section 1216 of the Revised Laws of the Territory of Hawaii, Relating to the Basis of Values for Taxation . . . . .	202

Act No.		Page.
89.	An Act Relating to Personal and Property Taxes Amending Sections 1183, 1195, 1203, 1204, 1206, 1236, 1243, 1244, 1245, 1247, 1250, 1259, 1263, 1264, 1265, 1266, 1267 and 1269 of Chapter 98 of the Revised Laws of Hawaii, Repealing Sections 1211 and 1229 Thereof, and Adding Two New Sections Thereto, Sections 1215A. and 1215B.....	203
90.	An Act Fixing the Qualifications of and Providing for an Examination of Official Reporters of the Circuit Court of the First Circuit of the Territory of Hawaii.....	214
91.	An Act To Amend Chapter 157 of the Revised Laws of Hawaii Relating to Corporations.....	215
92.	An Act To Amend Section 1634 of the Revised Laws.....	216
93.	An Act Relating to Funds for the Payment of the Expenses of the Several Counties.....	217
94.	An Act To Repeal Sections 1373 and 1374, of the Revised Laws of Hawaii .....	221
95.	An Act To Amend Sections 2090, 2091 and 2093 of Chapter 133 of the Revised Laws of Hawaii, Relating to Summary Proceedings to Recover Possession of Land, and Adding a New Section Thereto to be Known as Section 2097A....	221
96.	An Act Prohibiting Certain Government Officers Practicing Law or Acting as Attorneys or Counselors at Law, During Their Term of Office.....	225
97.	An Act Making Appropriations for the Departmental Use of the Territory .....	225
98.	An Act To Amend and Re-enact Sections 2624, 2625 and 2626 of the Revised Laws of Hawaii, Relating to Foreign Corporations .....	228
99.	An Act Providing for the Construction of Roads Through and From Public Lands Opened for Settlement.....	230
100.	An Act Relating to Bonds of Public Officers.....	231
101.	An Act To Amend Section 1205 of the Revised Laws of Hawaii Relating to the Taxation of Bicycles and Adding a New Section to be Known as Section 1205 A.....	236
102.	An Act Relating to Taxes on Gifts, Legacies, Inheritances, Bequests, Devises, Successions and Transfers Made in Contemplation of Death; Providing for Their Establishment and Collection and for the Enforcement of Liens Created by This Act and for Suits to Quiet Title Against Claims or Liens Arising Hereunder; and Repealing Chapter 100 of the Revised Laws of Hawaii Entitled "Inheritance Tax." .....	238
103.	An Act To Declare Certain Lands as Public Parks.....	252
	Joint Resolution No. 1.....	253

	Page.
Joint Resolution No. 2.....	254
Joint Resolution No. 3.....	255
Joint Resolution No. 4.....	256
Joint Resolution No. 5.....	257
Joint Resolution No. 6.....	258
Joint Resolution No. 7.....	260

---

## EXTRA SESSION.

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Act No.		Page.
1.	An Act To appropriate Money for the Purpose of Defraying the Expenses of the Senate in the Extra Session of the Legislature of the Territory of Hawaii, of the Year 1905, from the Public Treasury.....	260
2.	An Act To appropriate Money for the Purpose of Defraying the Expenses of the House of Representatives of the Legislature of the Territory of Hawaii in the Extra Session of the Year 1905, from the Public Treasury.....	264
3.	An Act Making Additional Appropriations for the Departmental Use of the Territory of Hawaii.....	264
4.	An Act Making Special Appropriations for the Use of the Government of the Territory to Pay the Unpaid Bills up to the First Day of July, A. D. 1904.....	272
5.	An Act Making Appropriation for the Departmental Use of the Territory .....	281
6.	An Act Making Special Appropriations for the Use of the Government of the Territory of Hawaii During the Two Years Which Will End with the Thirtieth Day of June, A. D., 1907.....	282
7.	An Act Providing for Salaries and Pay of Employees of the Territory .....	289
8.	An Act Making Appropriations for the Departmental Use of the Territory .....	312
	Index .....	323

# LAWS OF THE TERRITORY OF HAWAII

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## ACT 1.

### AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE  
EXPENSES OF THE REGULAR SESSION OF THE SENATE OF  
THE LEGISLATURE OF THE TERRITORY OF HAWAII, OF THE  
YEAR 1905, FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Twenty Thousand Dollars (\$20,000.00) from the Public Treasury for the purpose of defraying the expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii, of the year 1905.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 21st day of February, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 2.

## AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE SESSION OF THE HOUSE OF REPRESENTATIVES, TERRITORY OF HAWAII, OF THE YEAR 1905, FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Thirty Thousand Dollars (\$30,000.00) from the Public Treasury for the purpose of defraying the expenses of the Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1905.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of February, A. D. 1905.

G. R. CARTER,

Governor of the Territory of Hawaii.

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ACT 3.

## AN ACT

TO ENACT THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections one to three thousand two hundred and eight, both inclusive, set forth on pages eighty-three to one thousand one hundred and fifty-five, both inclusive, of the volume

prepared by the Commission appointed under the provisions of Act Forty-five of the Session Laws of the year one thousand nine hundred and three, are hereby enacted as law, to take effect on the approval of this Act, and the same shall be designated and cited as the Revised Laws of Hawaii.

SECTION 2. All statutes in force immediately prior to the approval of this Act, which are embraced, with or without change, in the Revised Laws, are hereby repealed, and so much of the Revised Laws as is applicable or corresponds thereto shall be in force in lieu thereof; *provided, however*, that said repeal shall not apply to or affect any provision which is not subject to repeal, or the part or parts of the Revised Laws applicable or corresponding to which could not be enacted, by the Legislature without the approval of Congress, or any provision of a temporary nature, the functions of which have been fulfilled, or any statute or part thereof, of which no part is embraced in the Revised Laws.

SECTION 3. Said repeal shall not affect any act done, ratified or confirmed, or any right accruing or accrued or established, or any action, suit or proceeding had or commenced in any civil cause, prior to said repeal, but all rights and liabilities under any statute in the Revised Laws or so repealed shall continue, and may be enforced in the same manner and with the same effect as if said repeal had not been made; nor shall said repeal in any manner affect the right to any office or change the term or tenure thereof.

SECTION 4. Said repeal shall not affect any offense committed or any punishment, penalty or forfeiture incurred, prior to said repeal, under any statute embraced in the Revised Laws or so repealed, but every such offense may be prosecuted and punished, and every punishment, penalty or forfeiture imposed and enforced, in the same manner and with the same effect as if said repeal had not been made.



SECTION 5. No statute of limitations, whether applicable to civil causes or proceedings, or to the prosecutions of offenses, or for the recovery of penalties or forfeitures, embraced in the Revised Laws or so repealed, shall be affected thereby, but all suits, proceedings and prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal may be commenced and prosecuted with the same effect as if said repeal had not been made.

SECTION 6. Provisions in the Revised Laws shall be construed as continuations or amendments of applicable or corresponding provisions of previously existing laws and not as new enactments; and references in statutes not repealed to provisions which are embraced, with or without change, in the Revised Laws, shall be construed as applying to such provisions in the Revised Laws.

SECTION 7. The enactment of the Revised Laws shall not affect or repeal any Act passed at this session of the Legislature prior to the date of the approval of this Act, but all Acts so passed shall have full effect as if passed after said date, and, so far as such Acts vary from or conflict with any provision contained in the Revised Laws, they shall have the effect as subsequent Acts, and as repealing any portions of the Revised Laws inconsistent therewith.

SECTION 8. This Act shall take effect from and after the date of its approval.

Approved this 27th day of February, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 4.

### AN ACT

PROVIDING FOR INDEXING THE RECORDS IN THE OFFICE OF THE REGISTRAR OF CONVEYANCES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Registrar of Conveyances<sup>s</sup> shall keep a book, to be known as the "Daily Entry Book," each page of which shall be divided into appropriate columns, with titles or heads in the following form:

Date Received						From Whom Received	No.
Year	Month	Day	Hour	Minute	A.M. or P.M.		

Grantor	Grantee	Class of Instrument	Date Delivered	To Whom Delivered	Recording Fee
---------	---------	------------------------	-------------------	----------------------	---------------

Fee For Acknowledgment	Fee For Copies	Total	Paid Treasurer		
			Date	No. Auditor's Receipt	Amount

SECTION 2. He shall enter in said book in the order in which they are received, all deeds and instruments left for record, all copies left as cautions, and any plan filed; noting in the first column the year, month, day, hour and minute of reception, and the other particulars in the appropriate columns; and every deed or instrument shall be considered as recorded at the time so noted.

SECTION 3. He shall keep two sets of Indexes, each divided into eleven columns, with titles or heads in one set as follows:

Kind of Instrument	Grantor	Grantee	Date of Instrument	Book	Page
--------------------	---------	---------	--------------------	------	------

Date of Record	No. of Award, R. P. or G.	Situation		
		Name of Land	District	Island

And in the other as follows:

Kind of Instrument	Grantee	Grantor	Date of Instrument	Book	Page
--------------------	---------	---------	--------------------	------	------

Date of Record	No. of Award, R. P. or G.	Situation		
		Name of Land	District	Island

SECTION 4. He shall, within a reasonable time, cause the name of each and every Grantor, Grantee, or other party thereto to be entered at length and alphabetically in its appropriate index.

SECTION 5. When an instrument, by which one person by authority of law transfers or conveys the real estate of another person, is left for record, the Registrar shall enter in his entry book and Grantor index both the name of the person making such transfer and conveyance and that of the person whose estate has been so transferred or conveyed, if the latter name appears in such instrument.

When a return of a commissioner appointed to make partition of real estate is left for record, the Registrar shall enter in the entry book, and in both the Grantor and Grantee Indexes, the names of all persons whose estates plainly appear to be affected by such return.

SECTION 6. The Registrar of Conveyances shall within the

first six months of each year, or within such further time during the year as he may think proper, cause to be made by competent persons, copies of the indexes to the instruments recorded in the Bureau of Conveyances during the preceding year, in which copies the Grantors and Grantees shall be classified by their respective surnames in alphabetical order, and arranged under such surnames in the order in which the deeds and other conveyances to which they refer were left for record. He may also cause the christian names of Grantors and Grantees, as well as their surnames to be arranged in alphabetical order in such lists. He shall cause the entries composing such indexes to be segregated into four divisions by islands as follows:

(1) Oahu and all outlying islands under the jurisdiction of the Territory of Hawaii not hereinafter mentioned; (2) Hawaii; (3) Maui, Molokai, Lanai and Kahoolawe; (4) Kauai and Niihau.

SECTION 7. The Registrar of Conveyances shall cause a re-classification and consolidation of the yearly indexes referred to in Section 6 of this Act, to be made at least once in every ten years in the same manner as set forth in Section 6 hereof. And he may cause copies of the indexes or new indexes to the records existing in his office, to be made by some competent person in the same manner as set forth in Section 6 hereof.

SECTION 8. This Act shall take effect January 1, 1906.

Approved this 14th day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 5.

## AN ACT

TO REGULATE THE EXAMINATION OF JURORS AS TO THEIR QUALIFICATION OR INTEREST.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. On motion of either party the court shall or the parties or their attorneys may under direction of the court examine on oath any proposed juror to learn whether he is related to either party, or has any interest in the cause, or has formed or expressed an opinion, or is sensible of any bias or prejudice therein, and the objecting party may introduce other competent evidence in support of the objection. If the court finds that the juror does not stand indifferent in the case another shall be called in his stead.

SECTION 2. This Act shall become law from and after its passage.

Approved this 18th day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 6.

## AN ACT

TO ENCOURAGE DIVERSIFIED INDUSTRIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. For five years from and after January first, 1906, all property, real and personal, actually used in the pro-

duction of tobacco, rubber, cork oak, manila hemp, sansaveria salonica hemp and cacao for commercial purposes shall be exempt from taxation.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 7.

### AN ACT

AMENDING SECTIONS 2358 AND 2359 OF THE REVISED LAWS  
OF HAWAII, RELATING TO THE DUTIES OF THE REGISTRAR  
OF CONVEYANCES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2358 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 2358. It shall be the duty of the Registrar of Conveyances to make an entire literal copy of all instruments required to be recorded in his office, in books suitable for such purpose, which shall be provided by the Treasurer of the Territory, and at the foot of said copy certify its correspondence with the original, after which he shall certify upon the exterior, or endorse upon said recorded instrument, the date of its registry, the book in his office in which, and the page of said book at which it was recorded.

When an assignment, extension or release of mortgage of

real or personal property, or a certificate of the taking or surrender of possession for foreclosure under such mortgage, or an affidavit of notice of sale under a power contained in such mortgage, or an affidavit of entry, or an execution, order, or decree, for possession of the premises conveyed by such mortgage, or an assignment, extension or cancellation of lease is recorded in the office of said Registrar, he shall enter upon the margin of the record of the original mortgage or lease, as the case may be, a note of reference to the record of such affidavit, assignment, extension, release, certificate, execution, order or decree."

SECTION 2. Section 2359 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2359. Every instrument entitled by law to be recorded, shall be recorded in the order and as of the time when the same is delivered to the Registrar of Conveyances for that purpose, and shall be considered as recorded from the time of such delivery; provided, however, that it shall not be lawful for said Registrar to accept or enter for record and record any such instrument, or other paper on any Sunday, or legal holiday, or on any Saturday, except between the hours of 9 a. m. and 12 noon, or on any other day, except between the hours of 9 a. m. and 4 p. m."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 18th day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 8.

## AN ACT

TO PROVIDE FOR THE RETURN OF SUMMONS TO AND THE TRIAL  
OF CAUSES AT TERMS OF COURT PENDING IMMEDIATELY  
AFTER TWENTY DAYS AFTER SERVICE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. In all actions commenced in the Circuit Courts of the Territory of Hawaii the original summons shall be returnable to the term pending immediately after the expiration of twenty days after the service of such summons; provided, however, if no term be pending at such time then such summons shall be returnable to the next succeeding term.

SECTION 2. Every action in the Circuit Courts shall be tried at the term of court to which the summons therein is returnable unless such action is continued according to law.

SECTION 3. This Act shall take effect upon the date of its approval.

Approved this 22nd day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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ACT 9.

## AN ACT

TO PROMOTE THE DISPLAY OF THE UNITED STATES FLAG.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Superintendent of Public Works is required, when suitable appropriations are made for such purpose,



to provide each public school house and court house in the Territory of Hawaii with a suitable United States flag of bunting or cotton, and a suitable flag staff or other arrangement whereby such flags may be displayed.

SECTION 2. Such flags shall be placed by said Superintendent in charge of either a public school teacher or a police officer whose duty it shall thereupon be to display such flags on the school or court house grounds on every school or court day when the weather permits, and on other days to display such flags inside the school or court houses.

SECTION 3. Such flags shall be replaced when necessary upon the return and condemnation of the old flags, but if any of such flags are negligently lost or destroyed, the teacher or police officer through whose fault such loss or destruction has occurred shall purchase from said Superintendent a flag to supply the loss, and shall be allowed to purchase the same at its cost price.

SECTION 4. The Superintendent of Public Works is authorized, whenever suitable appropriations are made for such purpose, to purchase United States flags and to furnish the same at their cost price to any citizen desiring to purchase the same.

SECTION 5. The moneys secured from the sale of any flags shall be paid into the Treasury of the Territory; and the Superintendent of Public Works shall report to each Legislature the number of flags purchased by him and their cost, the number furnished school or court houses, the number sold by him and the amount received therefor, and the number remaining in his possession.

SECTION 6. This Act shall take effect from the date of its approval.

Approved this 22nd day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 10.

## AN ACT

TO PROVIDE FOR MAKING WRITS OF EXECUTION AND OTHER WRITS OF CIRCUIT COURTS AND CIRCUIT JUDGES AT CHAMBERS AVAILABLE IN ALL OF THE CIRCUITS OF THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any writ of execution or other writ issued for the purpose of carrying into effect any final order, judgment or decree of any circuit court or circuit judge at chambers in this Territory shall be available against the property of the person against whom the said writ shall issue in whatever circuit in this Territory said property is situated and said writ shall be as effective for all purposes in each of the circuits as in the circuit where it is issued.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 29th day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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ACT 11.

## AN ACT

TO AMEND SECTION 2210 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2210 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"SECTION 2210. It shall be the duty of the Treasurer to appoint a suitable number of agents in the several districts of the Territory, whose duty it shall be to grant marriage licenses, agreeably with the laws; which agent shall be entitled to a fee of one dollar for each license, to be paid by the party applying therefor. Any such agent who shall charge more than that amount for any such license, or who shall receive a bribe for the same, shall be liable to a fine not exceeding fifty dollars, upon conviction before any district magistrate."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of March, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 12.

### AN ACT

MAKING SPECIAL APPROPRIATION FOR THE IMMEDIATE USE  
OF THE BOARD OF AGRICULTURE AND FORESTRY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of Two Thousand Dollars (\$2,000.00) is hereby appropriated, to be paid out of moneys in the Treasury received from current receipts of the general revenue of the Territory, for the purpose of suppressing forest fires.

SECTION 2. Appropriations made under this Act shall be under the control of and expended by the Board of Agriculture and Forestry.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 29th day of March, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 13.

### AN ACT

RELATING TO BILLS OF EXCEPTIONS, AMENDING SECTION 1864,  
REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1864 of the Revised Laws of Hawaii, is hereby amended by striking out the words "final judgment" (in line 20 of said Section of the Revised Laws) and inserting in lieu thereof the words "verdict or when there is no verdict, after judgment rendered, or, in the case of exceptions taken subsequently to verdict or judgment, after the opinion, direction, ruling or order to which said exceptions are taken."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 14.

## AN ACT

RELATING TO AMENDMENTS OF BONDS IN JUDICIAL PROCEEDINGS, AMENDING SECTION 1885 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1885 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"SECTION 1885. No motion for a new trial, bill of exceptions, appeal or writ of error shall be dismissed for any informality or insufficiency of any bond, unless upon neglect of the party filing such bond to comply with an order of a Court or Judge having jurisdiction directing an amendment of such bond to be made or a new bond to be filed within a specified time, not less than 24 hours."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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ACT 15.

## AN ACT

TO AMEND SECTIONS 3190 AND 3191 OF THE REVISED LAWS OF HAWAII, REGULATING THE OBSERVANCE OF SUNDAY, AND ADDING A NEW SECTION THERETO.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3190 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 3190. All labor on Sunday is forbidden, excepting works of necessity or mercy, in which are included all labor that is needful for the good order, health, comfort or safety of the community, or for the protection of property from unforeseen disaster, or danger of destruction or injury, or which may be required for the prosecution of or attendance upon religious worship, or for the furnishing of opportunities of reading or study; provided, however, that this section shall not apply to newspaper printing offices, steamship companies, railroads, telegraph and telephone companies, hotels, inns, restaurants, cigar stores, ice cream parlors, soda water stands, drug stores, livery stables, hack-men, owners and operators of licensed shore boats, news depots, graziers and ranchmen, electric light plants, gas works and slaughter houses; and provided further that personal baggage may be conveyed to and from vessels leaving and arriving at Port on that day, and to and from any railroad stations; that on Sunday the loading and unloading of vessels engaged in inter-island, inter-state or foreign commerce shall be permitted, but no freight, except live stock and goods of a perishable nature, shall be drayed or conveyed from the dock, pier, wharf, or landing upon which it is unloaded; that during the entire day milk, bread, fruit and ice may be sold and delivered; that until 10 o'clock in the forenoon fresh meat, fresh fish, and fresh vegetables may be sold and delivered, and laundry men and laundries may deliver and collect laundry or washing, and that barber shops may be kept open until 11 o'clock in the forenoon."

SECTION 2. Section 3191 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 3191. No person shall prosecute, conduct or take part, on Sunday, in any recreation, amusement, sport or game in such a manner as to commit a common nuisance."

SECTION 3. This Act shall not be construed as permitting the conducting of any show, theater, circus or entertainment on

Sunday other than aquariums, museums, zoological gardens, and outdoor athletic sports.

SECTION 4. This Act shall take effect from and after the date of its approval.

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We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all the elective members of the House of Representatives of the Territory of Hawaii, this 29th day of March, A. D., 1905.

ERIC A. KNUDSEN,

Speaker.

D. KALAUOKALANI, JR.,

Clerk.

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We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all the elective members of the Senate of the Territory of Hawaii, this 31st day of March, A. D., 1905.

D. PAUL R. ISENBERG,

President of the Senate.

WILLIAM SAVIDGE,

Clerk of the Senate.

## ACT 16.

### AN ACT

TO AMEND SECTION 1820 OF REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 1820 of the Revised Laws of Hawaii is hereby amended so as to read as follows, to wit:

“Section 1820. If, at the time appointed for the sale, the officer shall deem it expedient, and for the interest of all persons concerned therein, to postpone the sale, for want of purchasers or for other sufficient cause, he may postpone it from time to time, until the sale shall be completed; giving notice of every such adjournment, by a public declaration thereof, at the time and place previously appointed for the sale.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 17.

### AN ACT

TO LIMIT THE TIME WITHIN WHICH CERTAIN CRIMINAL ACTIONS MAY BE PROSECUTED.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No person shall be prosecuted for any offense under the laws of the Territory of Hawaii, except murder in



the first and second degrees, manslaughter, rape, arson in the first and second degrees, burglary in the first and second degrees, forgery, robbery in the first and second degrees, larceny in the first degree, and embezzlement, unless the prosecution for such offense be commenced within two years next after the commission thereof; but nothing herein contained shall bar any prosecution against any person who shall flee from justice, or absent himself from the Territory, or so secrete himself that he cannot be found by the officers of the law, so that process cannot be served upon him.

SECTION 2. A prosecution may be commenced within the meaning of the last preceding section, by the issuance of a warrant, or by binding over or recognizing the offender to compel his appearance to answer to the charge, as well as by indictment.

SECTION 4. This Act shall take effect and be in force from and after its passage.

Approved this 3rd day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 18.

### AN ACT

TO PREVENT AND PUNISH THE DESECRATION OF THE FLAG OF  
THE UNITED STATES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any person who in any manner, for exhibition or display, shall place, or cause to be placed, any word, figure,

mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color, or ensign, of the United States of America, or shall expose or cause to be exposed to public view any such flag, standard, color, or ensign, upon which shall be printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or, who shall expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise, or car or vehicle for transportation of merchandise, upon which shall be printed, painted, attached, or otherwise placed, a representation of any such flag, standard, color, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article, or substance, on which so placed, or who shall publicly, mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for not more than thirty days, or both, in the discretion of the Court.

SECTION 2. The words, flag, standard, color or ensign, as used in this Act shall include any flag, standard, color, ensign, or any picture or representation of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be either of said flag, standard, color or ensign, of the United States of America, or a picture, or a representation of either thereof, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

SECTION 3. This Act shall not apply to any act permitted by the Statutes of the United States of America or by the United

States Army and Navy Regulations, nor shall it be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, article of jewelry or stationery for use in correspondence, on any of which shall be printed, painted, or placed, said flag, disconnected from any advertisement.

SECTION 4. This Act shall take effect on the date of its approval.

Approved this 3rd day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 19.

### AN ACT

TO AMEND SECTIONS 2230 AND 2232 OF THE REVISED LAWS OF HAWAII, RELATING TO ANNULMENT, DIVORCE AND SEPARATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2230 of the Revised Laws of Hawaii is hereby amended by adding the following words after the word "section" in line 13:

"In all cases in which a decree of divorce is asked for on the ground that either party has contracted the disease known as Chinese leprosy, no costs of court shall be adjudged against either party."

SECTION 2. That Section 2232 of the Revised Laws of Hawaii, is hereby amended by adding the following words next after the word "Marriage" in line 5 of said Section:

"But in all cases in which a decree of divorce is asked for on the ground that either party has contracted the disease known as Chinese leprosy, and is incapable of cure, the proof of the fact that such person has been declared according to law to be a leper shall be taken to be *prima facie* showing that such person has contracted the disease known as Chinese leprosy, and is incapable of cure."

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 3rd day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 20.

### AN ACT

TO PROVIDE FOR THE PUBLICATION OF THE DECISIONS OF THE  
UNITED STATES DISTRICT COURT FOR HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated from the Treasury of the Territory for the compilation and publication of not less than five hundred copies of the reports of the decisions of the United States District Court for Hawaii; provided that the Judge of said Court shall assign to the Territory all right to publish, sell and distribute the decisions so published, and shall prepare and furnish for such publication, free of cost, such decisions, and the syllabi thereof, to the Secretary of the Territory, who is hereby authorized to make all contracts and exercise all other powers necessary or proper for carrying out the purposes of this Act. The printing of such decisions in book

forms or signatures of the requisite number may be begun as soon as the Secretary shall deem advisable and be continued as such decisions are furnished with their syllabi from time to time, and may be bound, together with the index, when a sufficient number of forms or signatures for binding in volume form shall have been printed; and such forms or signatures, either as part of or in addition to the five hundred copies above specified, as well as the bound volumes, may be sold and distributed by the Secretary in the same manner as the Session Laws of the Territory.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 21.

### AN ACT

TO AMEND SECTIONS 1035 AND 1039 OF THE REVISED LAWS OF HAWAII, RELATING TO CLEANING OF STREETS, REMOVAL OF GARBAGE, DEAD ANIMALS AND OTHER NUISANCES, CLEANING OF CESSPOOLS, AND MAKING SEWER CONNECTIONS IN ANY CITY, TOWN OR VILLAGE IN THE TERRITORY OF HAWAII, AND TO ESTABLISH RATES AND CHARGES IN SUCH MATTERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 1035 of the Revised Laws of Hawaii is hereby amended so it reads as follows:

"Section 1035. It shall be the duty of the Superintendent of Public Works, conforming to the requirements of the Board of Health, to direct and superintend the cleaning of the public streets and by-ways of any city, town or village in the Territory of Hawaii, the removal and disposal of garbage, dead animals and other nuisances therein, the cleaning of cesspools and connecting of premises with the public sewer in such city, town or village."

SECTION 2. Section 1039 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1039. District Magistrates shall have jurisdiction to hear and determine all civil actions, suits or proceedings brought by the Superintendent of Public Works for the collection and enforcement of collection and payment of all sewer rates or charges which may be assessed, as above set forth, notwithstanding the amount claimed."

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 3rd day of April, A. D., 1905.

Governor of the Territory of Hawaii.  
G. R. CARTER,

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## ACT 22.

### AN ACT

TO REPEAL SECTIONS 2683, 2684 AND 2686 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Sections 2683, 2684 and 2686 of the Revised Laws of Hawaii, are hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 23.

### AN ACT

PROVIDING FOR THE FILING OF PLANS AND SURVEYS OF LAND IN  
THE OFFICE OF THE REGISTRAR OF CONVEYANCES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Registrar of Conveyances shall, on application, accept and file in the archives of his office, on the payment of a fee of one dollar, any plan of land, but such plan must contain the name of the owner of the land and his address, the maker's name and address, the surveyor's name and address, date of survey, scale, the meridian line, areas, name of Ili or Ahupuaa, district and island, the true bearings and lengths of principal lines, the names of all known adjoining owners, and such data concerning the original title of the land platted, as may be known. It shall be necessary that one or more monuments shall be placed on the land which shall, if possible, connect with the Government triangulation system. All such monuments shall be placed as indicated on the plan.

SECTION 2. A description of the land platted shall be written upon said plan, and all outside corners of said tract shall be substantially marked by monuments on the ground, where practicable; *provided, however*, that in all cases where tracts of land are sub-divided into lots, with the intention of conveying said

separate lots by lot number and reference to such plat, it shall be necessary to show the true bearings and lengths of a sufficient number of principal lines, and a sufficient number of monuments shall be located on the ground so as to accurately identify each lot.

SECTION 3. All such plans must be on tracing cloth of a size not greater than 36 by 42 inches, and the scale thereof must be some one of the following, viz: 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 100 feet, 200 feet, 500 feet, 1000 feet or 5000 feet to an inch.

SECTION 4. It shall not be lawful for the Registrar of Conveyances to accept for record and record any plan of land after this Act takes effect. AMENDED  
1909, 57

*Sec. 4 Added: L. '09, p. 67*

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 24.

### AN ACT

#### PROVIDING FOR A BOARD OF COMMISSIONERS OF PUBLIC ARCHIVES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be a Board of Commissioners of Public Archives consisting of three members, one of whom shall be the Secretary of the Territory ex officio, to be appointed by



the Governor by and with the advice and consent of the Senate. Said Secretary shall be Chairman and Executive Officer of such Board.

SECTION 2. It shall be the duty of such Board to collect all public archives, to arrange, classify and inventory the same; to provide for their safe keeping; and to compile and furnish information concerning them.

SECTION 3. The members of said Board shall serve without pay, but shall be entitled to the expenses necessary or incidental to the proper performance of the duties of said Board, and said Board shall have power to make such contracts as are necessary to the proper performance of its duties.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 25.

### AN ACT

#### RELATING TO THE TAXATION OF SOCIAL CLUBS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any Social Club, whether incorporated or not, furnishing meals and intoxicating liquors, or intoxicating liquors alone, to its members, shall pay an annual tax to the Territory of Hawaii in the sum of Two Hundred Dollars

(\$200.00), the said tax to be collected by the Treasurer of the Territory or of the County in which said Club is situated.

SECTION 2. The payment of said tax shall be held to entitle any genuine, bona fide Social Club, in which the furnishing of intoxicating liquors is incidental to its main object and purpose, and not its main object or purpose, and which is not formed directly or indirectly for evading or defeating the purpose of the general license laws of the Territory, to distribute meals and intoxicating liquors amongst its members without the payment of any other tax or license fee; provided, that the payment thereof shall not be held to exempt such Club from the payment of taxes on its property.

SECTION 3. This Act shall take effect and be in force from and after its approval.

Approved this 3rd day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 26.

### AN ACT

TO AMEND SECTION 86 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 86 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 86. A voter shall designate his choice for Senators, Representatives or Delegate by making a cross, thus, X, on the

right hand space or spaces provided for such purpose, opposite the name or names of the candidate or candidates for whom he desires to vote."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 27.

### AN ACT

TO AMEND SECTION 3124 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 3124 of the Revised Laws of Hawaii be and the same is hereby amended so as to read as follows:

"Section 3124. The rider and user of every automobile, bicycle, tricycle or vehicle of a similar nature, which shall be ridden or used within the Territory of Hawaii after dark, shall cause a sufficient light or lights to be kept burning on every such vehicle when in use during the hours of darkness.

Any person violating the provisions of this Section shall, upon conviction, be fined in a sum not exceeding Ten Dollars for every such offence."

SECTION 2. This Act shall become law from and after the date of its approval.

Approved this 5th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 28.

AN ACT

REGULATING THE TRIAL AND PROBATION OF JUVENILE DELINQUENTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be the duty of each Circuit Judge and District Magistrate in the Territory to appoint not less than three probation officers in the circuit or district in which he has jurisdiction, who shall serve without pay and act only when juvenile delinquents are put under their charge as hereinafter provided.

SECTION 2. All Circuit Judges and District Magistrates in the Territory are hereby empowered to release on parole any juvenile delinquents under the age of sixteen years, who may be convicted of any crime or misdemeanor before him, the punishment for which is not more than two years' imprisonment, and cause them to be placed on probation under the supervision of probation officers. The sentences under such convictions shall be suspended in case the probation is granted. Such juvenile delinquents shall be ordered to report to the probation officers at such stated times as the judge or magistrate may prescribe, bringing with them a report from their teachers, par-

ents, employers, or other persons selected by such probation officer, showing what their behavior has been. The probation officer shall report to the judge or magistrate at such times as they may require, and in case of failure to report, any such probation officer may be discharged and the delinquent put in charge of another. The judge or magistrate may prescribe any course under such probation as may seem to him for the best interest of the juvenile delinquent and of the public. He may call the juvenile delinquent before him at any time during the probation, and bring the probation to a close, should he think best.

SECTION 3. In case of breach of parole or persistent misbehavior of any juvenile delinquent under the care of a probation officer, it shall be the duty of such officer to return the juvenile delinquent to the judge or magistrate before whom he was convicted, and such judge or magistrate may order the original sentence to be carried out, or the probation to be continued, as may seem best in his discretion.

SECTION 4. After the passage of this Act, it shall be the duty of all district magistrates and circuit judges to try all persons under sixteen years of age at a time apart from that at which older offenders are tried, and it shall be the duty of the police department to keep juvenile offenders separate from older prisoners.

SECTION 5. This Act shall become a law from and after its passage.

Approved this 8th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 29.

## AN ACT

TO AMEND SECTION 3029 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3029 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 3029. Of government officer; punishment. Whoever falsely assumes to be a district magistrate, high sheriff, sheriff, deputy sheriff, policeman, sanitary inspector or agent of the Board of Health or other officer or employee of the government and takes upon himself to act as such, shall be punished by imprisonment at hard labor for not more than one year or by fine not exceeding one hundred dollars.”

SECTION 2. This Act shall take effect on and after the day of its approval.

Approved this 8th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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ACT 30.

## AN ACT

PROVIDING A PENALTY FOR THE WRONGFUL TAKING, DETENTION, ALTERATION, ERASURE OR MUTILATION OF ANY PUBLIC RECORD.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any person who maliciously takes or carries away any book, paper, map or document of any kind belonging

to the records or files of any public office in the Territory, or who wilfully and maliciously defaces, alters or mutilates by mark, erasure, cutting or otherwise any such book, paper, map or document, and any person who, after demand made by the officer entitled by law to have possession of such book, paper, map or document, shall wrongfully detain the same, shall, on conviction thereof, be fined not more than \$1,000.00, or be imprisoned not more than one year, or both.

SECTION 2. Jurisdiction is hereby conferred upon District Magistrates to try cases arising out of the provisions of this Act, subject to the right of appeal.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 8th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 31.

### AN ACT

REQUIRING SECOND-HAND DEALERS TO PROCURE LICENSES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Treasurer of the Territory may grant licenses to suitable persons to be dealers and traders in second-hand articles, and may revoke such licenses for cause satisfactory to him; such licensee shall pay to said Treasurer an annual fee of \$25.00.

Every license granted under this section shall designate the place where such business shall be carried on, and shall continue for one year unless sooner revoked. Every such dealer shall keep a book in which shall be written a description of

every article received, the name, residence, and a general description of the person from whom, and the time and hour when such article was received; such book, the place where such business is carried on, and the articles of property therein, may be examined at any time by said Treasurer, or by any Sheriff or Deputy Sheriff of the Territory or by any person presenting to such dealer a written authorization so to do from said Treasurer, or any Sheriff or Deputy Sheriff.

SECTION 2. Every person who engages in the business of buying or selling second-hand articles, or who deals therein, unless licensed therefor according to law, or after notice that his license has been revoked, or who, being licensed, neglects to keep the book and make the entries therein prescribed in the preceding section, or who refuses to allow the inspections in said section prescribed, or who purchases or receives by way of exchange any article from any minor, knowing or having reason to believe that such person is a minor, shall, on conviction thereof, be fined not more than \$100.00.

SECTION 3. This Act shall take effect on and after July 1, 1905.

Approved this 8th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 32.

### AN ACT

#### REGULATING THE PAYMENT OF LICENSE FEES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All fees for licenses prescribed by any law of



the Territory, except those prescribed by Chapter 159 of the Revised Laws of Hawaii, shall be due and payable in advance on the first day of July, 1905, and on the first day of July in each year following or on commencing any trade or business for which such license is required. In the former case such license fee shall be reckoned for one year; and in the latter case it shall be reckoned proportionally from the first day of the month in which the trade or business is begun to the first day of July following.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 8th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 33.

### AN ACT

RELATING TO FINES AND COSTS IN CRIMINAL CASES, AMENDING SECTIONS 2886, 2887 AND 2888 OF THE REVISED LAWS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2886 of the Revised Laws is hereby amended so as to read as follows:

"Section 2886. Whenever in any criminal case a judgment of fine and costs or either of them, whether with or without imprisonment or other penalty, is imposed, execution may be issued thereon after ten days from the time of judgment as on a judgment in a civil action."

SECTION 2. Section 2887 of the Revised Laws is hereby amended so as to read as follows:

"Section 2887. When any such judgment of fine and costs or either of them, is not satisfied by immediate payment thereof, the offender so sentenced shall be committed to prison, there to remain, at hard labor or otherwise in the discretion of the court or magistrate, until such judgment is satisfied; *provided*, however, that hard labor shall not be imposed in cases of misdemeanor; and *provided*, further, that when any poor convict shall have been so imprisoned for one year, he may be discharged from custody by order of any circuit judge upon proof that he has not since his conviction had any estate out of which he could have satisfied such judgment, and that he is not held for any other cause; and *provided* further that such imprisonment, together with any other imprisonment that may have been imposed by the same sentence, shall not in any case of misdemeanor extend beyond the term of one year."

SECTION 3. Section 2888 of the Revised Laws is hereby amended so as to read as follows:

"Section 2888. When any person shall be so sentenced to pay a fine and costs or either of them and shall be imprisoned for non-payment of the same, the time of such imprisonment shall be deemed to discharge the same at the rate of one dollar a day."

SECTION 4. This Act shall take effect on its approval.

Approved this 8th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 34.

## AN ACT

TO AMEND SECTION 1644 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1644 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 1644. The terms of the respective Circuit Courts shall be held as follows:

In the First Circuit at Honolulu, on the first Mondays of January, April and September;

In the Second Circuit at Wailuku, District of Wailuku, on the second Wednesday of March and June, and at Lahaina, District of Lahaina, on the second Wednesday of October;

In the Third Circuit at Kailua, in the District of North Kona on the fourth Wednesday of April, in the District of North Kohala on the fourth Wednesday of April, in the District of North Kohala on the fourth Wednesday of July, and at Waiohinu, in the District of Kau, on the fourth Thursday of November.

In the Fourth Circuit, at Hilo, on the third Wednesdays of February, May and November, and in the District of Hamakua, on the third Wednesday of August;

In the Fifth Circuit at Lihue, on the Island of Kauai, on the first Wednesdays of March, July and November.”

SECTION 2. This Act shall take effect and become law from and after the date of its approval.

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We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes

and noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 11th day of April A. D. 1905.

ERIC A. KNUDSEN,  
Speaker, House of Representatives.

D. KALAUOKALANI, JR.,  
Clerk, House of Representatives.

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We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 11th day of April A. D. 1905.

D. PAUL ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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## ACT 35.

### AN ACT

AMENDING SECTIONS 1392 AND 1393 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1392 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1392. Fee. The Treasurer may grant licenses for

the period of one year, to suitable persons, to carry on the business of pawnbroking upon payment of the sum of Fifty (\$50.00) Dollars."

SECTION 2. Section 1393 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1393. Conditions of License. Every such license shall be issued upon these express conditions which shall be set forth in such licenses:

That the licensee will not charge or receive interest at more than the rate of four per centum per month for any loan under twenty dollars, nor at more than the rate of two per centum per month for any loan above twenty dollars and under one hundred dollars, nor at more than the rate of one per centum per month for any loan above one hundred dollars, nor exact any other gain, profit or reward by charging commissions, discount, storage or other charge, or by compounding interest or by any device increasing such interest;

That the licensee will not sell any article pledged to him and unredeemed within six months after the last day fixed by contract for redemption, nor make any such sale without publishing at least twice in a newspaper published in the Island where he does business; or if there is no such newspaper, then in a newspaper published in Honolulu in English, at least ten days before such sale a notice describing such article, and specifying the time and place of sale;

That the licensee will disclose to the pledger or his agent the name of the purchaser and the price received by him for any article so pledged and sold;

That he will keep a book in which shall be written the date, duration, amount, rate of interest of any loan made by him, an accurate description of the property pledged, and the name and residence of the pledger, a copy of which record shall be delivered to said pledger. A record of all sales made shall also be entered in said book;

That he will not receive any article by way of pawn or pledge from any minor, knowingly or with reason to believe such person a minor;

That the books of such licensee, all accounts of sales, the licensed premises and all articles therein may at any time be examined by the Treasurer of the Territory or by any Sheriff or Deputy Sheriff of the Territory, or by any person presenting to such licensee a written authorization so to do from said Treasurer or any Sheriff or Deputy Sheriff;

That he will forthwith notify the Sheriff or Deputy Sheriff of the District wherein he carries on business of any offer made by any person to pledge any articles which said Licensee has reasonable cause to suspect have been stolen."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 36.

### AN ACT

TO AMEND SECTIONS 1804 AND 1805 OF THE REVISED LAWS OF HAWAII, RELATING TO JUDGMENTS, EXECUTIONS AND NEW TRIALS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1804 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1804. Judgment may be entered by the Clerk immediately upon the rendition of a verdict, judgment or decision, and execution may issue thereon at any time not less than ten days after such rendition, unless stayed as provided by law."

SECTION 2. Section 1805 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1805. The filing, within ten days, after verdict, judgment or decision, of a motion for a new trial and a bond conditioned for the payment of all costs of the motion in case it is not sustained and that the moving party will not to the detriment of the opposite party remove or otherwise dispose of any property he may have liable to execution, shall operate as a stay of execution until the motion is decided."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 37.

### AN ACT

TO AMEND SECTION 1646 OF THE REVISED LAWS OF HAWAII,  
RELATING TO TERMS OF THE CIRCUIT COURTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 1646 of the Revised Laws of Hawaii be and the same is hereby amended so as to read as follows:

"Section 1646. The Terms of the Circuit Courts of the Second, Third and Fifth Circuits may be continued and held from

the opening thereof, respectively, until and including the Twenty-fourth day thereof, Sundays and legal holidays excepted; Provided, However, that any such Term may be extended by the Presiding Judge for not more than Twelve (12) days after the expiration of the said Twenty-fourth day.

"The Terms of the Circuit Courts of the First and Fourth Circuits may be continued and held from the opening thereof, respectively, until the time fixed by law for the commencement of the next succeeding terms of such Courts, provided, however, that the April Term of said Circuit Court for the First Circuit shall not extend beyond the last Saturday in June. And further provided, that no Jury trial, in any civil action, shall be commenced at any term of said Circuit Court for the First Circuit, after Sixty (60) days of such term have elapsed, unless by the consent of all parties to such action, in the form of a written stipulation, duly filed, or of an oral stipulation, made in open Court, and duly entered upon the minutes.

"The respective Judges of the Circuit Courts may adjourn the same from time to time during the Term, or without day, as the interests of the public may require.

"Notwithstanding anything hereinbefore set forth any term of any Circuit Court shall, without any order to that effect, stand extended for the purpose of concluding any trial that shall be actually in progress at the date when such term would, but for this provision, expire."

SECTION 1A. All laws and parts of laws in conflict with any of the provisions hereof are hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.



## ACT 38.

## AN ACT

DEFINING THE OFFENSE OF USURY AND PROVIDING FOR THE  
PUNISHMENT THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any person who directly or indirectly receives any interest, discount or consideration for or upon the Loan or forbearance to enforce the payment of money, goods or things in action, greater than two per centum per month, shall be guilty of usury, and punishable by imprisonment for a term not exceeding one (1) year, or a fine not exceeding Two Hundred and Fifty Dollars (\$250) or both.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 14th day of April, A. D., 1905.

G. R. CARTER,

Governor of the Territory of Hawaii.

## ACT 39.

## AN ACT

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CREATING COUNTIES WITHIN THE TERRITORY OF HAWAII AND  
PROVIDING FOR THE GOVERNMENT THEREOF.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

## CHAPTER 1.

## COUNTY BOUNDARIES.

SECTION 1. The Territory of Hawaii is hereby divided into five Counties, namely:

1. The Island of Oahu and all other Islands in the Territory not included in any other County, and the waters adjacent thereto, shall be the County of Oahu, with its County Seat at Honolulu.

2. The Island of Hawaii and all other Islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto, shall be the County of Hawaii, with its County Seat at Hilo.

3. The Islands of Maui, Molokai, Lanai and Kahoolawe and all other Islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto, except that portion of the Island of Molokai known as Kalaupapa, Kalawao and Waikolu and commonly known and designated as the Leper Settlement, shall be the County of Maui, with its County Seat at Wailuku.

4. The Islands of Kauai and Niihau and all other Islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto, shall be the County of Kauai, with its County Seat at Lihue.

5. All that portion of the Island of Molokai known as Kalaupapa, Kalawao and Waikolu, and commonly known or designated as the Leper Settlement, shall not be or form a portion of the County of Maui, but shall be and is hereby constituted a County in itself, and as such shall have only the powers especially conferred and given by Chapter Two of this Act and shall be known as the County of Kalawao and, except as provided in said Chapter Two, none of the provisions of this Act or any other Act relating to Counties shall be deemed to refer to or shall be applicable to the said County of Kalawao.

## CHAPTER 2.

### GOVERNMENT OF THE COUNTY OF KALAWAO.

SECTION 2. The County of Kalawao shall be under the jurisdiction and control of the Territorial Board of Health and be

governed by the laws, rules and regulations now in force or which may hereafter be enacted or lawfully made relating to said Board of Health and the care and segregation of lepers, except as herein limited.

SECTION 3. There shall be no County Officer in said County other than the Sheriff, who shall be a resident of and be elected in said County at the first general election to be held under the provisions of this Act and thereafter as provided by law and who shall hold office for two years.

SECTION 4. The salary of the Sheriff shall be fixed and paid by the said Board of Health out of the appropriation allowed by the Legislature for the care and segregation of lepers.

SECTION 5. The Sheriff of the County of Kalawao shall preserve the public peace and shall arrest and take before the Magistrate for examination all persons who attempt to commit or who have committed a public offense and prosecute the same to the best of his ability.

SECTION 6. Said Sheriff shall have power to appoint and dismiss and re-appoint at his discretion five policemen for the County who, for the services rendered as policemen, shall receive such pay as the said Board of Health shall determine and which pay shall be taken out of and from the appropriation made by the Legislature for the care and segregation of lepers and he shall have such other powers and duties as are prescribed by law for the Sheriffs of the several Counties respectively.

SECTION 7. In the event of death, resignation or other disqualification of the Sheriff of said County during his term of office, the said Board of Health shall appoint his successor and such appointment shall hold good until the next general election and until his successor is qualified.

## CHAPTER 3.

## DISTRICT BOUNDARIES.

SECTION 8. The Counties of Oahu, Hawaii, Maui and Kauai shall be divided into Districts, as now defined and existing by law, except as herein modified, to wit:

The County of Oahu into six Districts---

1. From Maunalua to Moanalua inclusive, to be styled the Honolulu District;
2. Ewa, to be styled the Ewa District;
3. Waianae, to be styled the Waianae District;
4. From Kaena Point to and including the Ahupuaa of Waimea, to be styled the Waialua District;
5. From Waimea to Kaoio Point, to be styled the Koolauloa District;
6. Koolaupoko, to be styled the Koolaupoko District;

The County of Hawaii into nine Districts---

1. Puna, to be styled the Puna District;
2. From the Hakalau Stream to the Boundary of South Hilo and Puna, to be styled the South Hilo District;
3. From the boundary of Hamakua and North Hilo to the Hakalau Stream, to be styled the North Hilo District;
4. Hamakua, to be styled the Hamakua District;
5. North Kohala, to be styled the North Kohala District;
6. South Kohala, to be styled the South Kohala District;
7. North Kona, to be styled the North Kona District;
8. South Kona, to be styled the South Kona District;
9. Kau, to be styled the Kau District;

The County of Maui into five Districts—

1. From Honokohau to Ukumehame inclusive and including the Island of Lanai, to be styled the Lahaina District;
2. From Kahakuloa to Kihei inclusive and also including the Island of Kahoolawe, to be styled the Wailuku District;
3. Kahikinui, Kaupo, Kipahulu, Hana and Koolau, to be styled the Hana District;
4. Hamakualoa, Hamakuapoko, Haliimaele, Makawao, Kula and Honuaula, to be styled the Makawao District;
5. The Island of Molokai, except that portion of said Island known as Kalaupapa, Kalawao and Waikolu and commonly known or designated as the Leper Settlement, to be styled the Molokai District;

The County of Kauai into five Districts—

1. From Puanaaiea Point to the Ili of Eleele, including the Island of Niihau, to be styled the Waimea District;
2. From and including the Ili of Eleele to and including Mehaulepu, to be styled the Koloa District;
3. From and including Kipu to and including Wailua, to be styled the Lihue District;
4. From Wailua to Kealaakaiole, to be styled the Kawaihau District;
5. From and including Kealaakaiole to Puanaaiea Point, to be styled the Hanalei District.

## CHAPTER 4.

### GENERAL POWERS, LIABILITIES AND LIMITATIONS OF COUNTIES.

SECTION 9. Each County shall have the following powers and be subject to the following liabilities and limitations:

1. To sue and be sued in its corporate name;

2. To purchase and otherwise acquire, take on lease and hold real and personal property within its defined boundaries and to manage and dispose of the same as the interests of the inhabitants thereof may require;

3. To construct, purchase, take on lease or otherwise acquire buildings for County purposes, sewers, pumping stations, water works, including reservoirs, wells, pipe lines and other conduits for distributing water to the public, lighting plants, apparatus and appliances for lighting streets and public buildings; to acquire and maintain apparatus for extinguishing fires; to open, construct, maintain and close up public streets, highways, roads, alleys, trails and bridges within its boundaries [but no new street, highway, road or bridge shall be constructed without the location, grade and method of and material to be used in the construction of the same shall first be approved by the Superintendent of Public Works; ]

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3a. To collect rates for water supplied by or from such pumping stations and water works; and for the use of sewers;

4. To make contracts and to do all things necessary and proper to carry into execution the foregoing powers and all other powers vested in said County or in any officer thereof;

49 added L. 69, p. 138  
5. No County shall in any manner give or loan its credit to or in aid of any person or corporation and any indebtedness or liability incurred contrary to this provision shall be void.

6. No contract involving an expenditure of public funds amounting to Five Hundred Dollars or more shall be awarded except to the lowest bidder after public advertisement for tenders, and no public work or requisition for material therefor shall be divided or parceled out for the purpose of evading the provisions of this Section and no new work involving the expenditure of Five Hundred (500) Dollars or more shall be done except by contract as above set forth; but the provision of this Section shall not be applicable to road work;

7. All contracts, authorizations, allowances, payments and

liabilities entered into, granted, made or incurred in violation of this Act shall be void and shall never be a basis of a claim against the County;

8. Each of said Counties shall, for the purposes and objects of this Act, be a body corporate and politic and as such shall have all the powers and authority by this Act prescribed, the same to be vested in and be exercised by a Board of Supervisors of the County, as hereinafter provided. The duration and succession of such Counties shall be in perpetuity or until otherwise provided by law.

## CHAPTER 5.

### COUNTY SEATS.

SECTION 10. Any County Seat prescribed by this Act may be changed or removed by a vote of not less than two thirds of the qualified electors of the County voting on the proposition at a general election in favor of such change or removal.

SECTION 11. Whenever there shall be presented to the Board of Supervisors a petition, signed by the qualified electors of the County, equal in number to thirty (30) per cent of the votes cast at the last general election, praying for the removal of the County Seat of the County, the Board shall, by due proclamation, submit the question of such removal of the County Seat at the next general election to the qualified voters of such County. The election shall be conducted and the returns canvassed in all respects as provided by law for the conduct of general elections and canvassing the returns thereof.

## CHAPTER 6.

### COUNTY OFFICERS.

SECTION 12. The officers of each County shall be a Board of Supervisors, a Sheriff who shall be ex-officio Coroner, a County Clerk who shall be ex-officio Clerk of the Board of Supervi-

sors, an Auditor, an Assessor and Tax Collector, a County Attorney and a Treasurer; all of whom, except the Supervisors shall be elected by the duly qualified electors of the County.

SECTION 12a. The Board of Supervisors of each County, with the exception of the Counties of Oahu and Hawaii, shall consist of one member from each District.

The Board of Supervisors of the County of Oahu shall consist of seven members to be elected as follows: 3 from the District of Honolulu; 1 from the District of Ewa; 1 from the Districts of Waianae and Waialua; 1 from the Districts of Koolauloa and Koolau-poko; 1 at large.

The Board of Supervisors of the County of Hawaii shall consist of seven members to be elected as follows: 1 from the Districts of North Kohala and South Kohala; 1 from the Districts of North Kona and South Kona; 1 from the District of Kau; 1 from the District of Puna; 1 from the District of Hamakua; and 2 from the Districts of North Hilo and South Hilo.

Every Supervisor shall be a person residing in the District or Districts for which he is a candidate and shall be elected by the duly qualified electors of such District or Districts.

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SECTION 13. Within each and every District of the Counties of Oahu, Hawaii, Maui and Kauai, there shall be elected by the qualified electors thereof a Deputy Sheriff and a Deputy Assessor and Tax Collector. L. 190 103

SECTION 14. All County officers, except as herein provided, shall be elected at the general election hold for the election of Senators and Representatives of the Territory and shall take office at twelve o'clock meridian on the first Monday in January next succeeding their election.

SECTION 15. All County officers, except as herein provided, shall hold office for two years and until their successors are elected and qualified. L. 19 10



SECTION 16. All County officers with the exception of Deputy Sheriffs ~~and Deputy Assessors and Tax Collectors~~ shall have their offices at the County Seat, and the Sheriff, Clerk, Auditor, Treasurer and County Attorney shall keep their respective offices open for business on every legal day from nine o'clock A. M. until four o'clock P. M., except Saturdays, when they may close at twelve meridian. The Board of Supervisors shall also maintain their office at the County Seat.

L. 1909  
p. 109

## CHAPTER 7.

### QUALIFICATIONS OF OFFICERS.

SECTION 17. Any person shall be eligible to fill any elective office created by the provisions of this Act who shall be a citizen of the United States of America and of the Territory of Hawaii and who shall have been a duly qualified elector of said Territory and of the County in which he shall be elected for at least one year next prior to his election, and in case of the members of the Board of Supervisors, the same qualifications shall be required and, in addition thereto, they shall continue to reside within the District from which they were elected during the period of their incumbency; provided, however, that no person shall be elected County Attorney who shall not, in addition to the foregoing qualifications, be a duly licensed attorney admitted to practice in the Supreme Court of the Territory of Hawaii and have practiced law in the County in which he shall be a candidate for at least one year.

SECTION 18. No person shall hold more than one office at the same time except as herein specially provided.

SECTION 19. Before entering upon the duties of his office, each officer elected or appointed shall subscribe to the following oath or affirmation before some person duly qualified to administer oaths:

"I solemnly swear (or affirm) in the presence of Almighty

God, that I will faithfully support the Constitution and laws of the United States of America and the Laws of the Territory of Hawaii and conscientiously and impartially discharge my duties as ..... of the County (or District of ..... of the County) of ....  
....., Territory of Hawaii.”

## CHAPTER 8.

### BONDS.

SECTION 20. Before entering upon the duties of his office, each County officer shall give a bond to the County in the amount in this Act provided conditioned for the faithful performance of the duties of his office. On each of said bonds there shall be at least two sureties who shall jointly qualify in the full amount of the principal of the bond.

SECTION 21. In the case of all County officers, with the exception of the members of the Board of Supervisors, the sufficiency of the bond of each officer shall be approved by the Board of Supervisors. The sufficiency of the bond of members of the Board of Supervisors shall be approved by a Judge of the Circuit Court having jurisdiction over or within the County.

SECTION 22. All bonds shall be deposited with the Treasurer of the County, except the bond of the Treasurer, which shall be deposited with the County Attorney.

SECTION 23. All appointed deputies shall give a bond to their principal who shall be liable for all their acts, the sufficiency and amount of which shall be approved by said principal.

SECTION 24. The amount of bonds of County officers shall be as follows:

Members of the Board of Supervisors: Five Thousand (5000) Dollars;

Sheriff, County of Oahu, Ten Thousand (10,000) Dollars;

County of Hawaii, Ten Thousand (10,000) Dollars; County of Maui, Five Thousand (5000) Dollars; County of Kauai, Five Thousand (5000) Dollars;

County Clerk: County of Oahu, Five Thousand (5000) Dollars; County of Hawaii, Five Thousand (5000) Dollars; County of Maui, Two Thousand Five Hundred (2500) Dollars; County of Kauai, Two Thousand Five Hundred (2500) Dollars;

~~REMOVED~~ ~~of p. 10~~ Auditor: County of Oahu, Five Thousand (5000) Dollars; County of Hawaii, Five Thousand (5000) Dollars; County of Maui, Two Thousand Five Hundred (2500) Dollars; County of Kauai, Two Thousand Five Hundred (2500) Dollars;

Assessor and Tax Collector: County of Oahu, Twenty-five Thousand (25,000) Dollars; County of Hawaii, Twenty Thousand (20,000) Dollars; County of Maui, Fifteen Thousand (15,000) Dollars; County of Kauai, Fifteen Thousand (15,000) Dollars;

County Attorney: County of Oahu, Five Thousand (5000) Dollars; County of Hawaii, Three Thousand (3000) Dollars; County of Maui, Two Thousand Five Hundred (2500) Dollars; County of Kauai, Two Thousand Five Hundred (2500) Dollars;

Treasurer: County of Oahu, Twenty-five Thousand (25,000) Dollars; County of Hawaii, Twenty Thousand (20,000) Dollars; County of Maui, Fifteen Thousand (15,000) Dollars; County of Kauai, Fifteen Thousand (15,000) Dollars;

Deputy Sheriff: Districts within the County of Oahu, Five Thousand (5000) Dollars; Districts within the County of Hawaii, Four Thousand (4000) Dollars; Districts within the Counties of Maui and Kauai, One Thousand (1000) Dollars;

Deputy Assessor and Tax Collector: Districts of Honolulu and Hilo, in the Counties of Oahu and Hawaii respectively, Ten Thousand (10,000) Dollars; all other Districts, Five Thousand (5000) Dollars.

SECTION 25. The bonds shall be made payable to the County and may be made in the following form:

KNOW ALL MEN BY THESE PRESENTS, that we (name of officer) as principal and (names of sureties) are held and firmly bound unto the County of ..... of the Territory of Hawaii, in the penal sum of ..... Dollars, lawful money of the United States of America, for the payment of which, well and truly to be made, we do bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this ..... day of ..... A. D., Nineteen Hundred ....

The conditions of this obligation are such that whereas, the above bounden (name of officer) was elected (or appointed) to the office of (name of office) of the County (or District of—name of District—of the County) of (name of County) on the ..... day of ..... A. D., Nineteen Hundred .....

Now therefore, if the said bounden (name of officer) shall faithfully perform all the duties of his said office as prescribed by law; shall safely keep all moneys which may come into his possession by virtue of his said office; shall promptly pay over to the person or persons legally authorized to receive the same, all such moneys in the manner prescribed by law; and shall deliver over to his successor in office all moneys held by him as such officer; then this obligation to be null and void; otherwise to remain in full force and effect.

(SIGNATURE OF OFFICER) (SEAL)

(SIGNATURE OF SURETY) (SEAL)

(SIGNATURE OF SURETY) (SEAL)

Provided that the sureties on such bonds shall be resident freeholders of the Territory, if the same be individuals and not a corporation, and shall qualify in amounts aggregating at least

the penal sum specified therein and they shall make affidavit, which shall be attached to the instrument, in form substantially as follows:

TERRITORY OF HAWAII }  
County of Oahu } ss.

..... and .....  
parties to the above bond, being duly sworn, do depose and say, each for himself, that he is a resident freeholder in said Territory and has property situated therein; that he is worth the sum of ..... over and above his debts and liabilities.

Subscribed and sworn to before me this ..... day  
of ....., A. D. Nineteen Hundred.....  
( Title of person Administering Oath.)

.....  
And provided further, that if the Board of Supervisors shall not be satisfied with the sufficiency of such sureties and if the principal shall refuse to furnish other sureties satisfactory to said Board, the matter shall be submitted to a Circuit Judge at Chambers having Jurisdiction within the County (such Circuit Judge being hereby given jurisdiction to hear and determine the said matter), and his decision as to the sufficiency of such bond shall be final and without appeal.

SECTION 26. The Board of Supervisors shall have power when, in its discretion, it shall deem fit to require and exact additional bond or security above and beyond that required by Section 24 upon like condition and subject to like determination as to the sufficiency of such additional bond or increased security; provided, however, that no more than double the amount of security hereby required of any officer shall be exacted.

SECTION 27. In lieu of the bond above provided, the bond of an approved surety company may be accepted in place thereof

and in such case no justification shall be required. Before any bond shall be accepted from a surety company, said company shall file an application with the Board of Supervisors to be allowed to execute bonds for County officers which shall state the home office of said company and the capital stock paid in and if the Board of Supervisors shall approve of said company, they shall issue to it a license, granting the privilege to said company to issue official bonds, which license shall remain in force until revoked by the Board of Supervisors.

## CHAPTER 9.

### SALARIES.

SECTION 28. The salaries of the several County officers shall be payable monthly out of the County Treasury at the following rate:

Member of the Board of Supervisors.....	\$ 600. a year.	<i>L. 1909 p.</i>
Sheriff of the County of Oahu .....	2,100. a year	
Sheriff of the County of Hawaii.....	2,400. a year.	
Sheriff of the County of Maui.....	1,800. a year.	
Sheriff of the County of Kauai.....	2,100. a year.	
County Clerk of the County of Oahu.....	1,500. a year.	
County Clerk of the County of Hawaii.....	1,200. a year.	<i>Am. 1909 p.</i>
County Clerk of the County of Maui.....	1,200. a year.	
County Clerk of the County of Kauai.....	1,200. a year.	
Auditor of the County of Oahu.....	1,800. a year.	
Auditor of the County of Hawaii.....	2,000. a year.	
Auditor of the County of Maui.....	1,500. a year.	
Auditor of the County of Kauai.....	1,500. a year.	
Assessor and Tax Collector of the County of Oahu .....	2,700. a year.	
Assessor and Tax Collector of the County of Hawaii .....	2,000. a year.	
Assessor and Tax Collector of the County of Maui .....	1,800. a year.	

## Assessor and Tax Collector of the County of

Kauai . . . . .	1,800. a year.
County Attorney of the County of Oahu . . . . .	2,400. a year.
County Attorney of the County of Hawaii . . . . .	2,400. a year.
County Attorney of the County of Maui . . . . .	1,800. a year.
County Attorney of the County of Kauai . . . . .	1,800. a year.
Treasurer of the County of Oahu . . . . .	2,400. a year.
Treasurer of the County of Hawaii . . . . .	2,000. a year.
Treasurer of the County of Maui . . . . .	1,500. a year.
Treasurer of the County of Kauai . . . . .	1,500. a year.

*County of Oahu—*

Deputy Sheriff of the District of Honolulu . . . . .	1,500. a year.
Deputy Sheriff of the District of Ewa . . . . .	1,200. a year.
Deputy Sheriff of the District of Waianae . . . . .	600. a year.
Deputy Sheriff of the District of Waialua . . . . .	900. a year.
Deputy Sheriff of the District of Koolauloa . . . . .	720. a year.
Deputy Sheriff of the District of Koolaupoko . . . . .	720. a year.

*County of Hawaii—*

Deputy Sheriff of the District of South Hilo . . . . .	1,620. a year. <i>L. 1911 p.</i>
Deputy Sheriff of the District of North Hilo . . . . .	720. a year.
Deputy Sheriff of the District of Puna . . . . .	720. a year.
Deputy Sheriff of the District of Kau . . . . .	960. a year.
Deputy Sheriff of the District of South Kona . . . . .	960. a year.
Deputy Sheriff of the District of North Kona . . . . .	960. a year.
Deputy Sheriff of the District of South Kohala . . . . .	720. a year.
Deputy Sheriff of the District of North Kohala . . . . .	960. a year.
Deputy Sheriff of the District of Hamakua . . . . .	960. a year.

*County of Maui—*

Deputy Sheriff of the District of Lahaina . . . . .	960. a year.
Deputy Sheriff of the District of Wailuku . . . . .	1,200. a year.
Deputy Sheriff of the District of Hana . . . . .	960. a year.
Deputy Sheriff of the District of Makawao . . . . .	960. a year.
Deputy Sheriff of the District of Molokai . . . . .	600. a year.

*County of Kauai—*

Deputy Sheriff of the District of Waimea....	1,200.	a year.	
Deputy Sheriff of the District of Koloa.....	900.	a year.	RECEIVED
Deputy Sheriff of the District of Lihue.....	1,500.	a year.	1891 157
Deputy Sheriff of the District of Kawaihau....	840.	a year.	
Deputy Sheriff of the District of Hanalei.....	840.	a year.	

*County of Oahu—*

Deputy Assessor and Tax Collector of the District of Honolulu.....	1,800	a year.	
Deputy Assessor and Tax Collector of the District of Ewa.....	1,500.	a year.	
Deputy Assessor and Tax Collector of the District of Waialua.....	900.	a year.	
Deputy Assessor and Tax Collector of the District of Koolauloa.....	720.	a year.	
Deputy Assessor and Tax Collector of the District of Koolaupoko.....	720.	a year.	

*County of Hawaii—*

Deputy Assessor and Tax Collector of the District of South Hilo.....	1,800.	a year.	
Deputy Assessor and Tax Collector of the District of North Hilo.....	720.	a year.	
Deputy Assessor and Tax Collector of the District of Puna.....	1,080.	a year.	
Deputy Assessor and Tax Collector of the District of Kau .....	720.	a year.	
Deputy Assessor and Tax Collector of the District of South Kona.....	720.	a year.	
Deputy Assessor and Tax Collector of the District of North Kona.....	720.	a year.	
Deputy Assessor and Tax Collector of the District of South Kohala.....	720.	a year.	



Deputy Assessor and Tax Collector of the District of North Kohala.....	1,080. a year.
Deputy Assessor and Tax Collector of the District of Hamakua.....	1,200. a year.

*County of Maui—*

Deputy Assessor and Tax Collector of the District of Wailuku.....	1,200. a year.
Deputy Assessor and Tax Collector of the District of Lahaina and Lanai.....	1,080. a year.
Deputy Assessor and Tax Collector of the District of Hana.....	1,080. a year.
Deputy Assessor and Tax Collector of the District of Makawao.....	1,200. a year.
Deputy Assessor and Tax Collector of the District of Molokai.....	600. a year.

*County of Kauai—*

Deputy Assessor and Collector of the District of Waimea.....	1,500. a year.
Deputy Assessor and Tax Collector of the District of Koloa.....	1,080. a year.
Deputy Assessor and Tax Collector of the District of Lihue.....	1,200. a year.
Deputy Assessor and Tax Collector of the District of Kawaihau.....	840. a year.
Deputy Assessor and Tax Collector of the District of Hanalei.....	720. a year.

## CHAPTER 10.

### ELECTIONS.

SECTION 29. The general laws and rules governing the election of Senators and Representatives of the Territory shall

apply in the election of County Officers wherever applicable except as herein provided.

SECTION 30. The precincts and polling places established or as may be established by the laws of the Territory for the election of Senators and Representatives shall constitute the precincts and polling places for the election of County officers, provided, however, that in places, where under the existing division of precincts, voters in different Districts vote at the same polling place, the Governor is hereby required to change the polling places within each District so as to allow the voters of such District to vote within the District in which they are registered.

SECTION 31. All persons duly registered under the laws of the Territory to vote for Senators and Representatives shall be qualified to vote for County officers in the County in which such voters reside.

SECTION 32. No special Board of Registration shall be required for the registration of voters for County officers, but such voters may register before the Boards of Registration provided by the laws of the Territory relative to the election of Senators and Representatives.

SECTION 33. Nominations shall be deposited with the County Clerk not less than Twenty (20) days prior to election; each nomination shall be accompanied by a deposit of Twenty-five (25) Dollars on account of expenses of election, which shall be paid to the County Treasurer.

SECTION 34. The returns of election of County officers, together with the ballots, lists and records concerning the election of County officers and copies of the statements concerning the results of such election shall be transmitted to the County Clerk of the County in which such election is held, and shall be preserved by him according to law.

SECTION 35. If it shall appear by the returns made that

there has been a failure of election of any County officer by reason of a tie vote between two or more candidates, a special election to fill such vacancies shall be ordered by the Board of Supervisors, which shall be held in the manner required for a general election.

SECTION 36. At least sixty days before a general election and forty days before a special election, the Board of Supervisors shall issue a proclamation concerning County elections and transmit copies of the same to the several Boards of Inspectors throughout their County and such proclamation shall be posted in the manner required by law.

SECTION 37. Ballot boxes required for the election of County officers shall be furnished by the Board of Supervisors, said boxes to be marked "County Officers."

SECTION 38. The County Clerk shall prepare the ballots to be used at elections for County officers and shall furnish the same to the Board of Supervisors at least two days prior to the election. The ballots shall be of green paper and their general form, arrangement, number and style of printing shall be as prescribed by law for ballots for Senators and Representatives.

SECTION 39. Upon receiving returns of election the County Clerk shall immediately tabulate the same and ascertain the result of the election; such tabulation shall be made in the presence of any candidate or his agent who desires to be present. The number of persons to be elected receiving the highest number of votes shall be declared elected, and the County Clerk shall immediately deliver to the persons elected certificates of election. All expenses for the election of County officers shall be borne by the County.

## CHAPTER 11.

### CONTESTS.

SECTION 40. All questions as to the validity of any ballot cast at any election held hereunder shall be decided immediately

and the opinion of the majority of the Board of Inspectors of Elections at each polling precinct shall be final and binding, subject to revision by the Supreme Court of the Territory as hereinafter provided.

SECTION 41. Any candidate directly interested, or any thirty duly qualified voters of any election district, may file a petition in the Supreme Court of the Territory setting forth any cause or causes why the decision of any Board of Inspectors should be reversed, corrected or changed.

SECTION 42. Such petition shall be filed in the office of the Clerk of the Supreme Court within thirty days following the election proposed to be contested and shall be accompanied by a deposit of twenty-five (25) Dollars for costs of Court.

SECTION 43. The Clerk shall thereupon issue to the respondents named in such petition a summons to appear before the Supreme Court within fourteen days after the service thereof.

SECTION 44. Such petition shall be heard by the Court in term time or vacation.

SECTION 45. On the return day, the Court, upon its own motion, or otherwise, may direct summons to be issued to any person or persons who may be interested in the result of the proceedings.

SECTION 46. At the hearing, the Court shall cause the evidence to be reduced to writing and shall give judgment, stating all findings of facts or law. Such judgment may invalidate the election on the grounds that a correct result cannot be ascertained because of a mistake or fraud on the part of the Inspectors of Election; or decide that a certain candidate, or certain candidates, received a majority or plurality of the votes cast and were elected. If such judgment should be that the election was invalid, a certified copy thereof shall be filed with the Governor of the Territory or the Board of Supervisors, as the case

may be, and he or they shall call a new election within sixty days after filing such judgment; and if the Court shall decide which candidate or candidates have been elected a copy of such judgment shall be served on the Secretary of the Territory or the County Clerk, as the case may be, and the officer herein thereto authorized to deliver certificates of election shall sign and deliver to such candidate or candidates certificates of election, and the same shall be conclusive of the right of the candidate or candidates to the office.

SECTION 47. The decision of the Court concerning any question properly involved in any such petition and proceeding shall be final and binding upon all parties.

SECTION 48. The Court shall have power to compel the attendance of witnesses, to punish contempts and to do whatsoever else may be necessary to fully determine the proceedings.

SECTION 49. The costs shall be the same as in trials in the Circuit Court at Chambers.

SECTION 50. The Court may make such special rules as it may find necessary or proper.

## CHAPTER 12.

### FIRST ELECTION.

SECTION 51. The first election for County officers shall be held on the twentieth day of June, A. D. Nineteen Hundred and Five, and the officers so elected shall take office on the first day of July, A. D. Nineteen Hundred and Five, and shall hold office until twelve o'clock M. on the first Monday in January, Nineteen Hundred and Seven. The general laws and rules governing elections for Senators and Representatives of the Territory shall apply wherever applicable.

SECTION 52. A proclamation for the first election of County officers shall be made by the Governor immediately upon the

passage and approval of this Act. Said proclamation shall call for an election in each County, and in other respects shall be the same as the proclamation now required by law to be issued for holding general elections. Said proclamation shall be published in the manner now required by law for the publication of proclamations for general elections.

SECTION 53. Nominations for County officers to be elected at such election shall be made in the same manner and within the same time and filed with the Secretary of the Territory as is now required by law relative to nominations for Senators and Representatives.

SECTION 54. It shall be the duty of the Secretary of the Territory to prepare ballots for each County and forward the same to the Inspectors of Election in each Precinct. Such ballots shall be white in color and of uniform size, shape and thickness. The Secretary of the Territory shall also furnish for such election, suitable ballot boxes which shall be marked "County Officers."

SECTION 55. The precincts and polling places established by the laws of the Territory for the election of Senators and Representatives shall constitute the precincts and polling places for this election.

SECTION 56. All persons duly registered under the laws of the Territory to vote for Senators and Representatives at the last general election shall be qualified to vote for County officers at this election.

SECTION 57. Inspectors of Election shall perform all the duties in relation to this election required by law in relation to elections for Senators and Representatives except that the information required to be transmitted to Sheriffs shall be transmitted to the Secretary of the Territory.

SECTION 58. Immediately upon receiving the returns of

election from the several Boards of Inspectors in any County, the Secretary of the Territory shall tabulate such returns and ascertain the result of election in such County. The person receiving the highest number of votes in such County shall be declared to be elected and the Secretary of the Territory shall immediately deliver to the persons elected certificates of election. If it shall appear by the returns that there has been a failure of election of any County officer by reason of a tie vote between any two or more candidates, a special election to fill such vacancy shall be ordered by the Governor, which shall be held in the manner required for this election.

SECTION 59. Contests of election may be had as provided in Chapter 11 of this Act.

## CHAPTER 13.

### REMOVAL OF OFFICERS.

SECTION 60. Any County officer may be removed for malfeasance or maladministration in office. • The Board of Supervisors of each County shall constitute a Board of Impeachment for the trial of any elected officer of the County who may be charged with malfeasance or maladministration in office by not less than twenty-five (25) legal voters within the County. Such officer shall be informed of the charge made against him and shall be given an opportunity to defend himself against the same. Said Board of Impeachment shall have power to hear and determine said charge, and if the same be sustained, to remove said officer so charged from office and to fill the vacancy so occurring by the appointment of some qualified person to fill said office for the unexpired term thereof. Provided, however, that in case of the removal of a member of the Board of Supervisors, the vacancy so caused shall be filled by appointment by the Governor for the remainder of the unexpired term of such member.

SECTION 61. Vacancy in office occurring by death, resignation or removal of an officer from the County shall be filled by appointment by the Board of Supervisors, unless such vacancy is in the Board of Supervisors, and, in such case, such vacancy shall be filled by the appointment by the Governor for the remainder of the unexpired term of such member.

## CHAPTER 14.

### POWERS AND DUTIES OF THE BOARD OF SUPERVISORS.

SECTION 62. The Board of Supervisors of each County shall have general supervision and control of all the public affairs of their respective Counties and the supervision of all subordinate officers, and, without prejudice to the generality of the foregoing powers, shall have the following specific powers:

1. To fix the salaries of all County officers, not herein otherwise provided for;
2. To appoint such subordinate officers as they may deem necessary for the public service;
3. To authorize and supervise the expenditure of all funds belonging to the County;
4. To enforce all claims on behalf of the County and approve all lawful claims against the County;
5. To regulate by ordinance within the limits of the County, all local police, sanitary and other regulations not in conflict with the general laws of the Territory, or rules and regulations of the Territorial Board of Health, and fix a penalty for the violation of such ordinances;
6. To regulate by ordinance the transportation, storage and use of all explosives and inflammable oils, and fix a penalty for the violation of such ordinances;
7. Subject to the limitations contained in this Act, to execute all contracts and to do all things necessary and proper to carry into execution the general powers of the Counties.

see L. 09, p. 29



SECTION 63. It shall be the duty of the Board of Supervisors on the fifteenth day of December to prepare a budget or estimate of expenditures for salaries and pay-rolls and for public improvements within their respective Counties for the ensuing fiscal year. The combined estimated expenditures shall not exceed the estimated income of the County for the same period.

SECTION 64. The Board shall not for any purpose contract debts or liabilities which exceed in any fiscal year the income and revenue provided for such year.

SECTION 65. A majority of the members of the Board of Supervisors shall constitute a quorum for the transaction of business, but in order to pass any ordinance or to order the disposal of any property of the County, to execute any contract or to approve the budget or estimate of expenditures, or remove an officer, or fill vacancies, it shall be necessary that such ordinance or order shall receive the approval of a majority of the members of the Board.

SECTION 66. The Board shall hold regular meetings for the transaction of public business beginning on the first Tuesday in each month and continue in session for as many days as the transaction of such business may require, and it shall call such special meetings as may be necessary for the public welfare.

## CHAPTER 15.

### SHERIFF.

SECTION 67. Subject to the special provisions of this Act, the County Sheriff of each County shall have and exercise all the powers, privileges and authority, and be required to perform all the duties in his own jurisdiction, the same being the County in and for which he shall have been elected, as are now by law provided to be had, exercised and performed by the High Sheriff of the Territory or by the Sheriffs of the various Islands respectively; and shall have such other powers and duties as are

by this Act conferred and which may be provided by any law hereafter enacted by the Legislative authority; provided, however, that nothing in this Act contained shall be construed to vest in the Sheriffs of the various Counties respectively, the care, custody or control of any Territorial jail, house of correction or penitentiary, or the care and custody of any of the prisoners confined therein.

SECTION 68. He shall:

1. Preserve the public peace;
2. Arrest and take before the nearest qualified magistrate for examination all persons who attempt to commit, or who have committed a public offense, and shall prosecute the same under the direction of the County Attorney;
3. Prevent and suppress affrays, breaches of peace, riots and insurrections;
4. Attend all Circuit Courts held within the County and obey all lawful orders and directions of all Courts held within the County;
5. In an emergency requiring the same, command the aid of as many male inhabitants of the County as he may think necessary in the execution of his duties;
6. Take charge of and keep the County jail, and the prisoners therein;
7. Endorse upon all processes and notices the year, month, day, hour and minute of reception, and issue therefor to the person delivering the same on payment of fees, a certificate showing the name of the parties, title and paper and time when received.
8. Serve all processes and notices in the manner prescribed by law;
9. Certify, under his hand, upon every process or notice, the manner and time of service, or if he fails to make service, the reason of his failure and return the same without delay.

SECTION 69. The Sheriff and his Deputies shall be ex-officio County Coroners, and as such, shall, within their respective Counties and Districts, have all the powers and perform all the duties of Coroners as provided by law.

SECTION 70. When a process or notice is returnable to another County, he may enclose such process or notice in an envelope, addressed to the office from which the same emanated and deposit it in the Post Office prepaying postage.

SECTION 71. No direction or authority by a party or his attorneys to a Sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, shall be available to discharge or excuse the Sheriff from liability for neglect or misconduct, unless in writing, signed by the attorney of the party, or by the party, if he has no attorney.

SECTION 72. When the Sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the Sheriff to execute, shall be executed by a Deputy Sheriff; provided, when an action is begun against the Sheriff, all process and orders may be served by any person, a citizen of the United States, of the age of twenty-one years, appointed by the Court or Judge for that purpose.

## CHAPTER 16.

### DEPUTY SHERIFFS.

SECTION 73. Each Deputy Sheriff shall within his respective District have the powers and perform the duties imposed by law upon Deputy Sheriffs.

## CHAPTER 17.

### COUNTY CLERK.

SECTION 74. The County Clerk shall:

1. Take charge of, safely keep or dispose of according to

law, all books, papers and records which may properly be filed in his office;

2. Be ex-officio Clerk of the Board of Supervisors and, as such, perform the following duties:

(a) Record all the proceedings of the Board;

(b) Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and allowance of accounts against the County;

(c) Record the vote of each member on any question upon which there is a division, or at the request of any member present;

(d) Immediately after adjournment of each meeting of the Board, certify all demands allowed and orders made for the payment of money, giving the amount and date of each demand, or order, and the date of the allowance thereof, which demands or orders shall be countersigned by the Chairman of the Board, and thereafter the Clerk shall deliver the same to the Auditor;

(e) File and preserve the report of the County Treasurer of the receipts and disbursements of the County;

(f) Preserve and file a memorandum of all accounts acted upon by the Board;

(g) Authenticate with his signature and seal of the County, the proceedings of the Board whenever the same shall be ordered published;

(h) Perform all other duties required by law, or any rule or order of the Board.

3. Adopt, subject to the approval of the Board of Supervisors, a seal of office, upon which shall always appear the name of the County wherein the same shall be adopted and used, which shall be the seal of the County and shall be used to authenticate all official papers and instruments requiring execution or certification by the County Clerk, in the exercise of his of-

fice. A copy of the impress thereof, certified to be genuine, and also a copy of such seal of the County when altered or changed by the Board, shall be filed in the office of the Secretary of the Territory.

## CHAPTER 18.

### COUNTY AUDITOR.

SECTION 75. The Auditor shall issue warrants on the County Treasurer in favor of persons entitled thereto in payment of claims and demands chargeable against the County which have been legally examined, allowed and ordered paid by the Board of Supervisors. The Auditor shall also issue warrants on the County Treasurer for all debts and demands against the County when the amounts are fixed by law or authorized by law to be allowed by some person or tribunal other than the Board of Supervisors.

SECTION 76. All warrants shall distinctly specify the liability for which they are drawn and when the same accrued.

SECTION 77. The Auditor shall examine and settle the accounts of all persons or officers indebted to the County or holding moneys payable into the County Treasury, certify in duplicate the amount to the Treasurer and, upon the return to him of one of such certificates, with the Treasurer's receiving stamp properly enfaced thereon, give to such persons a receipt and discharge and charge the same to the Treasurer with the amount so received by him.

SECTION 78. The Auditor shall keep accounts current with the Treasurer, and when any person deposits with the Auditor a properly stamped voucher, as herein provided for any money paid into the Treasury, the Auditor shall file such voucher and charge the Treasurer with the amount thereof.

SECTION 79. All warrants issued by the Auditor during

each year, commencing with the 1st day of July for the year 1905 and thereafter commencing with the first Monday after the first day of January, shall be numbered consecutively, the number, date and amount of each, the name of the person to whom payable, and the purpose for which drawn stated thereon; and they shall, at the time they are issued, be registered by him and such warrants, if uncalled for for two years, shall be canceled.

SECTION 80. The Auditor shall, between the first and tenth day of each month, examine the books of the Treasurer and see that the same have been correctly kept.

SECTION 81. The Chairman of the Board of Supervisors, the County Attorney and Auditor shall, at least once in each three months and at such other times as they may deem proper, county the money in the County Treasury and make and verify, in duplicate, statements showing:

1. The amount of money that ought to be in the Treasury;
2. The amount and kind of money actually therein.

SECTION 82. They shall file one of the statements in the office of the County Clerk, and the Auditor shall post and maintain the other in his office for at least one month thereafter.

SECTION 83. The Auditor and the Treasurer of the County must, on the first Monday in February, May, August and November, and at such other times as the Board of Supervisors may require, make a joint statement to the Board of Supervisors showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the County Treasury; the objects to which the same were applied, and the amount allotted to each; the total amount of warrants drawn and paid and on and out of what funds; the total amount of warrants drawn and unpaid, the accounts or claims audited or allowed and unpaid, and the fund out of

which they are to be paid; and, generally, make a full and specific showing of the financial condition of the County.

SECTION 84. The Auditor shall prepare and submit to the Board of Supervisors each year a statistical report showing in compendious form all financial transactions of the County, exhibiting separately the receipts and expenditures by or on account of each office, board, commission and institution, and classify the principal items of income and expenditure according to a plan to be approved by the Board of Supervisors and the Board of Supervisors shall publish the same.

SECTION 85. It shall be the duty of the Auditor of the Territory to confer from time to time with the several County Auditors relative to the books to be kept by County officers and the forms thereof, and the form of report required to be made, and to institute a uniform system throughout the several Counties. And it shall be the duty of each County Auditor to see that the instructions of said Territorial Auditor in this respect are carried out, and of each County officer to keep his books and accounts and make his reports in the form prescribed by said Territorial Auditor.

SECTION 86. The Auditor shall discharge such other duties as are required by law.

## CHAPTER 19.

### ASSESSOR AND TAX COLLECTOR.

SECTION 87. The Assessor and Tax Collector shall, within the County for which he shall have been elected, assess and collect all taxes under any law relating to taxation which may be hereafter passed by the Legislature of the Territory of Hawaii.

SECTION 88. The Assessor and Tax Collector shall, once a month or oftener, pay over all moneys in his hands as may be provided by law.

## CHAPTER 20.

## DEPUTY ASSESSOR AND TAX COLLECTOR.

SECTION 89. Each Deputy Assessor and Tax Collector shall within his respective District have such powers as may be imposed upon him by any law relating to taxation which may be hereafter passed by the Legislature of the Territory of Hawaii. 110

## CHAPTER 21.

## COUNTY ATTORNEY.

SECTION 90. The County Attorney is the public prosecutor for the County in which he shall have been elected and he, or his deputy shall:

1. Attend the Circuit Court in and for said County and conduct on behalf of the people all prosecutions therein for offenses against the laws of the Territory of Hawaii and the ordinances of the Board of Supervisors of the County;

2. In every case where there shall be a change of venue in any matter or proceeding in which any County is interested, whether civil or criminal, it shall be the duty of the County Attorney of the County in which such criminal proceeding is instituted or of the County interested in such matter or proceeding, to appear and prosecute or defend the same in any County to which the same shall be changed or removed; the expenses of such proceedings shall be paid by the County wherein the case originated.

3. Institute proceedings or direct the Sheriff or deputies to do so before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose take general charge of criminal cases in the District Courts either in person or by the Sheriff, Deputy



Sheriff or such other prosecuting officer as he shall appoint; attend upon the magistrates in case of arrest; and attend before and give advice to the Grand Jury whenever cases are presented to them for their consideration; provided, however, that nothing herein contained shall prevent the institution or conduct of proceedings by private counsel before magistrates under the direction of the County Attorney;

4. Draw all indictments, defend all suits brought against the County wherever brought, prosecute all recognizances forfeited in the Courts of Record and all actions for the recovery of debts, fines, penalties, forfeitures and other claims accruing to the Territory or the County;

5. Deliver receipts for money or property received in his official capacity, and file duplicates therefor with the County Treasurer;

6. On the first Monday of each month, file with the Auditor an account verified with his oath of all moneys received by him in his official capacity during the preceding month and, upon receipt of the Auditor's certificate therefor, pay them over to the County Treasurer.

SECTION 91. If the County Attorney refuse or neglect to account for and pay over all money received by him by virtue of his office, he shall be liable for such refusal or neglect upon his official bond, and the County Treasurer shall bring an action against him for the recovery thereof in the name of the County and recover in such action, in addition to the amount so received fifty (50) per cent thereon by way of damages. No order of the Board of Supervisors shall be necessary to bring such action. The Treasurer's reasonable expenses, including an attorney's fee, shall be a County charge.

SECTION 92. He shall give when required and without fee his opinion in writing to the County officers on matters relating to the duties of their respective offices.

SECTION 93. The County Attorney is the legal adviser of the Board of Supervisors. He shall attend their meetings when required, and attend and oppose all claims and accounts against the County when he deems them unjust and illegal.

SECTION 94. The County Attorney, except for his own service, shall not present any claim, account or demand for allowance against the County.

SECTION 95. Each County Attorney when elected shall become a deputy of the Attorney General of the Territory, and shall report to the Attorney General from time to time as he may be required.

SECTION 96. Nothing in this Act contained shall preclude the Board of Supervisors of any County from retaining or engaging special counsel when, in their opinion, such action may seem to be desirable or required, nor to prevent the Attorney General or any of his deputies from appearing and representing the Territory in any case in which the rights or interests of the Territory are involved.

## CHAPTER 22.

### COUNTY TREASURER.

SECTION 97. The County Treasurer shall:

1. Receive all moneys belonging to the County and other moneys by law directed to be paid to him, safely keep the same and apply and pay them out, rendering account therefor as required by law and perform such duties as are required by law;
2. File and keep one of the certificates of the Auditor delivered to him when moneys are paid into the Treasury;
3. Keep an account of the receipt and expenditure of all such moneys in books provided for that purpose in which shall be entered the amount, the time when, from or to whom and

on what account all moneys were allowed and disbursements made;

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations shall be exhibited in separate accounts and the whole receipts and expenditures shown in one general or cash account;

5. Enter no moneys received for the current year on his account with the County for the previous fiscal year until after his annual settlement for the previous year has been made with the County Auditor;

6. Disburse County moneys only on County warrants issued by the County Auditor except on settlement with the Territory;

7. Disburse other moneys in the Treasury on such warrants only as shall be based on orders of the Board of Supervisors or upon an order of the Circuit Court or as otherwise provided for by law.

SECTION 98. He shall receive no money into the Treasury unless accompanied by certificates of the Auditor as provided in Section Seventy-seven (77) of this Act.

SECTION 99. When any money is paid to the County Treasurer upon the certificates of the Auditor, as provided by the preceding section, the Treasurer shall return one of the certificates to the Auditor with his receiving stamp enfaced thereon. The Auditor shall forthwith charge the Treasurer with such sum and give the person making the payment a receipt therefor.

SECTION 100. When a warrant is presented to the Treasurer for payment, if there is money in the Treasury for that purpose, he shall pay the same and write or stamp on the face thereof "Paid," the date of payment and sign his name thereto.

SECTION 101. When any warrant is presented to the Treas-

urer for payment and the same is not paid for want of funds, the Treasurer shall first register the same in a book to be kept for that purpose, shall then endorse thereon "Not paid for want of funds" with the date of presentation, and sign his name thereto and return said warrant to the party presenting the same. From that time until paid, the warrant shall bear five (5) per cent interest per annum and it shall thereafter be paid in the order of its registration out of the funds properly chargeable therewith.

SECTION 102. When there are sufficient moneys in the Treasury to pay the warrants drawing interest, the Treasurer shall give notice for one week in some newspaper published in the County, or, if none is published therein, by written notice posted upon the court house door for the same length of time, stating therein that he is ready to pay such warrants. Five days after the first publication or posting of such notice, such warrants cease to draw interest.

SECTION 103. In advertising warrants under the provision of the preceding section, in any newspaper, the Treasurer shall not publish the warrants in detail, but shall give notice only that the County warrants whose numbers are stated and which were presented for payment prior to a certain date are payable.

SECTION 104. If such warrants shall not be presented for payment within sixty (60) days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be by the Treasurer applied to the payment of unpaid warrants next in order of registry. The Board of Supervisors may, on application and presentation of warrants properly endorsed which have been advertised and not presented within sixty (60) days as aforesaid, pass an order directing the Treasurer to pay them out of any moneys in the Treasury not otherwise appropriated.

SECTION 105. When the Treasurer pays any warrant upon which interest is due, he shall note on the warrant the amount of interest paid thereon, and enter on his account the amount of such interest distinct from the principal.

SECTION 106. The Treasurer shall settle his accounts relating to the collection, care and disbursement of public money with the Auditor on the first Monday of each month. For the purpose of such settlement, he shall make a statement under oath, of the amount of money received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements and to whom, with the amount remaining on hand. He shall in such settlement deposit all warrants redeemed by him and take the Auditor's receipt therefor. He shall also make a full settlement of all accounts with the Auditor annually on the first Monday in January, in the presence of the Supervisors.

SECTION 107. The County Treasurer shall make a detailed report at every regular meeting of the Board of Supervisors of the County, of all moneys received by him and the disbursements thereof, and all debts due to and from the County and all other proceedings in his office, so that the receipts in the Treasury and the amount of disbursements, together with the debts due to and from the County, may distinctly appear.

SECTION 108. If any County Treasurer wilfully neglects or refuses to settle or report as required in Sections One Hundred and Six (106) and One Hundred and Seven (107) of this Act, he shall forfeit and pay to the County the sum of One Hundred (100) Dollars for every such neglect or refusal, and the Board of Supervisors shall cause to be instituted suits for the recovery thereof, as provided by law.

SECTION 109. The County Treasurer shall keep all moneys received by him belonging to the Territory, or to any other County, in his own possession until disbursed according to law.

He shall not place the same in the possession of any person for any purpose; nor loan or in any manner use or permit any person to use the same, except as provided by law; but nothing in this section shall preclude him, with the approval of the Board, from making special deposits for the safe keeping of public moneys, but he shall be liable therefor on his official bond.

## CHAPTER 23.

### GENERAL PROVISIONS.

SECTION 110. Any County officer, except members of the Board of Supervisors, Sheriffs and Assessors and Tax Collectors, may, with the approval of the Board of Supervisors, appoint a deputy to undertake and perform or aid in the performance of the duties of his office; and may with such approval remove the same. Such appointment shall be made in writing and be filed in the office of the County Clerk. Each deputy shall have the same power as his principal and whenever by law an act is required to be performed by an officer, it shall be valid if performed by a deputy duly appointed.

SECTION 110a. Any County officer may, with the approval of the Board of Supervisors, employ such clerks and other assistants as may be necessary to aid him in the performance of the duties of his office, and may, without such approval, remove the same.

SECTION 111. Whenever the official name of any principal officer is used in this Act, it includes deputies.

SECTION 112. All laws or parts of laws, so far only as the same may be inconsistent with any provision of this act, are hereby repealed.

SECTION 113. The short title of this Act shall be "The County Act."

SECTION 114. This Act shall take effect from and after the date of its approval.

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We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 13th day of April, A. D., 1905.

ERIC A. KNUDSEN,  
Speaker.

D. KALAUOKALANI, JR.,  
Clerk.

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We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 14th day of April, A. D., 1905.

D. PAUL R. ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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## ACT 40.

### AN ACT

TO REGULATE THE PRACTICE OF VETERINARY MEDICINE, SURGERY AND DENTISTRY IN THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No person shall practice veterinary medicine, surgery or dentistry, as a profession, in any town and suburbs

with a population of over 5,000 inhabitants in the Territory of Hawaii, either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce himself publicly or privately as prepared or qualified to so practice without having first obtained from the Treasurer under the seal of his Department, a license in form and style substantially as in this Chapter set forth.

PROVIDED, HOWEVER, that nothing in this Act shall be construed to prevent the medical, surgical or dental treatment of stock by the owners or the employees of owners or by neighbors who do not assume to be practitioners of veterinary medicine, surgery or dentistry or by members of the medical profession in cases of emergency, and

PROVIDED FURTHER, that this Act shall not apply to commissioned Veterinary Surgeons of the United States Army.

SECTION 2. No applicant shall be given such a license by the Treasurer except upon the written report of the Board of Veterinary Examiners, to be appointed and constituted as in this Act provided, setting forth that the applicant named therein has been duly examined and found to be possessed of the necessary qualifications.

SECTION 3. For the purpose of carrying out the provisions of this Act, the Governor is authorized and directed to appoint in the manner prescribed in Section 80 of the Organic Act, a Board of Veterinary Examiners, whose duty it shall be to examine all applicants for license to practice veterinary medicine, surgery and dentistry, and to report the result of such examinations to the Treasurer.

Such Board of Veterinary Examiners shall consist of three (3) persons, all of whom shall be licensed Veterinaries under the laws of the Territory. The appointments, unless to fill an unexpired term, shall be for three (3) years, subject, however, to removal by the Governor in the manner prescribed by Sec-



tion 80 of the Organic Act. The members of the Board of Veterinary Examiners shall serve without pay.

The Treasurer is authorized and directed to issue licenses to the members of the Board of Veterinary Examiners as first constituted, notwithstanding the provisions of this Act.

SECTION 4. No applicant for a license to practice veterinary medicine, surgery and dentistry, shall be examined unless he shall have paid to the Treasurer a fee of Ten (\$10.00) Dollars.

SECTION 5. The form of license to practice Veterinary medicine, surgery and dentistry shall be substantially as follows:

TERRITORY OF HAWAII, DEPARTMENT OF THE  
TREASURY.

LICENSE TO PRACTICE VETERINARY MEDICINE,  
SURGERY AND DENTISTRY.

..... a native of .....,  
age ..... years, having been duly examined  
by the Board of Veterinary Examiners and having been recommended by them as possessed of the necessary qualifications, is hereby licensed to practice veterinary medicine, surgery and dentistry, in the Territory of Hawaii.

This license is granted and accepted on the express condition that it may be revoked at any time for professional misconduct, gross carelessness or manifest incapacity; such misconduct, gross carelessness or manifest incapacity having been proven to the satisfaction of the Board of Veterinary Examiners and by that Body reported to the Treasurer.

Given under my hand and the seal of the Department of the Treasury this ..... day of ....., A. D. ....

(Signed) .....,

Treasurer.

SECTION 6. Any person who shall practice veterinary medicine, surgery or dentistry as a profession in any town and suburbs with a population of over 5,000 inhabitants in the Territory of Hawaii, or who shall offer or attempt to so practice, or shall advertise or announce himself, either publicly or privately, as prepared or qualified to so practice, contrary to the provisions of Section 1 of this Act, or whose license to so practice shall have been revoked according to law shall be guilty of a misdemeanor, and shall be liable, on conviction, to a fine of not more than Two Hundred and Fifty (\$250.) Dollars.

SECTION 7. Licenses to practice veterinary medicine, surgery and dentistry, may be revoked by the Treasurer at any time for professional misconduct, gross carelessness or manifest incapacity; such misconduct, gross carelessness, or manifest incapacity having been proven to the satisfaction of the Board of Veterinary Examiners and by that Body reported, in writing, to the Treasurer. In case any license is revoked for any of the causes named in this Section, the holder thereof shall be duly notified of such revocation, in writing, by the Treasurer.

SECTION 8. In case of an alleged misconduct, carelessness or incapacity on the part of any holder of a license to practice veterinary medicine, surgery and dentistry, the person so charged shall be notified, in writing, of the charge or charges that have been made, and of the time and place, when and where evidence in support of the same will be heard, and shall have the opportunity to present evidence and be heard in his own defense.

SECTION 9. This Act shall take effect sixty (60) days from and after the date of its approval.

Approved this 18th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 41.

## AN ACT

PROVIDING FOR THE APPOINTMENT AND DUTIES OF BOARDS OF  
PRISON INSPECTORS, REPEALING SECTIONS 1598 TO 1607  
BOTH INCLUSIVE OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

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SECTION 1. The Governor shall nominate and, by and with the advice and consent of the Senate, appoint a Board of Prison Inspectors for each Judicial Circuit of the Territory; each Board shall consist of three members who are residents of the Judicial Circuit for which they are appointed, and such members shall hold office for the term of two years, or until their successors are duly appointed. In case any such member shall die, resign, remove from the Circuit for which he is appointed or become incapacitated to serve on any such Board, the Governor shall appoint some other person to fill such vacancy and to serve until the close of the next session of the Senate.

SECTION 2. All members of such Board shall serve without pay, but their reasonable expenses for traveling or such other incidentals as the Governor shall approve shall be paid from the appropriations for prisoners or the support of prisoners.

SECTION 3. It shall be the duty of each Board, and of its members, to visit all prisons and jails within the Judicial Circuit for which they are appointed at least once in every three months; to inquire into the management and conduct of the same, the care and maintenance of prisoners, the records of prisoners, the manner in which the officers connected with such prisons and jails perform their official duties, and the sanitary condition of such prisons and jails.

SECTION 4. Each Board shall have power to supervise the discipline and government of all prisons and jails within the

Judicial Circuits for which such Board is appointed; to provide such rules and regulations not contrary to law as in the opinion of a majority of such Board are advisable for the improvement of the discipline and government of such prisons and jails; to prescribe on consultation with the warden or jailor the punishment to be inflicted on prisoners for breach of prison rules or other misconduct; to decide who are entitled to the commutation of sentence provided by law for good behavior, and who shall be deprived of such commutation in whole or in part, and to restore in their discretion in whole or in part to any prisoner the commutation which such prisoner shall have lost; to classify the prisoners, designating the grade to which each shall belong, the privileges not inconsistent with law which they shall have and the garb which they shall wear.

SECTION 5. Each Board shall consider any applications for pardons which may be referred to it by the Governor and shall furnish the Governor, as soon as may be after such reference, all information possible concerning the prisoner for whom such pardon is asked together with a recommendation as to the granting or refusing of such pardon. Each Board shall also recommend the parole of any prisoner when in its opinion such parole may be properly granted.

SECTION 6. Each Board and every member thereof shall at all times have free access to all prisons and jails within the Judicial Circuit for which such Board is appointed, and to all records and books kept in connection therewith; may institute inquiries about any prisoners confined within such Judicial Circuit, and it is hereby made the duty of all prosecuting officers, judges, district magistrates, police officers, and other persons in the Territory to furnish when called on by any Board all information that may be possessed concerning any such prisoners.

SECTION 7. As soon as possible after its appointment, each Board shall organize by electing one member as chairman and

another as secretary. Each Board shall hold a regular meeting at least once in every month, and special meetings shall be held whenever called by any member. A record of all meetings and proceedings of each Board shall be kept, and a detailed report of the work of each Board shall be sent to the Governor every three months. At all meetings of such Boards a majority shall constitute a quorum.

SECTION 8. Chapter 108 of the Revised Laws of Hawaii, being Sections 1598 to 1607 both inclusive, is hereby repealed.

SECTION 9. This Act shall take effect from and after the date of its approval.

Approved this 18th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 42.

### AN ACT

TO AMEND SECTION 991 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 991 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 991. Regulations. The Board of Health, with the consent of the Governor, may make such regulations respecting nuisances, sources of filth, and causes of sickness, within the respective districts of the Territory, and on board of any vessels, as it shall judge necessary for the public health and safety.

Said Board shall, with the consent of the Governor, also

make such regulations as it may judge necessary for the public health and safety, respecting any articles which are capable of containing or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought or conveyed from any district, or into or from any vessel."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 43.

### AN ACT

TO AMEND SECTION 2284 OF THE REVISED LAWS OF HAWAII,  
RELATING TO THE WIDOW'S ELECTION OF DOWER.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2284 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2284. If any provision be made for a widow in the will of her husband, she shall, within six months after probate of the will make her election, in writing filed in the Probate Court having jurisdiction of her deceased husband's estate, to take under the will, or be endowed of said estate as provided in Section 2271 of this chapter; but she shall not be entitled to both, unless it plainly appears by the will to have been the intention of the testator that she should have such provision in addition to her dower."

SECTION 2. If the widow fail to make her election within the time hereinabove specified she shall be conclusively presumed to have reserved her dower.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 18th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 44.

### AN ACT

#### TO REGULATE COSTS IN EQUITY CASES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1889 of the Revised Laws of Hawaii shall apply to the Justices of the Supreme Court and the Circuit Judges when sitting at Chambers as well as to the Supreme and Circuit Courts, except as otherwise provided in said Revised Laws.

SECTION 2. This Act shall take effect and be in force from and after its passage.

Approved this 18th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 45.

## AN ACT

TO AMEND SECTION 645 AND REPEALING SECTION 646 OF THE  
REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 645 of the Revised Laws shall be amended so as to read as follows:

"Section 645. Every cart, dray, wagon, omnibus, stage coach, wagonette or other vehicle used upon any public road the axles of which are one and one-half inches or more in diameter, shall have wheels, tires and axles proportioned as stated below:

In the case of all vehicles without springs the width of wheel tire shall be at least one and one-half times the diameter of the axle, except goose-neck drays, in which case the width of tire on the hind wheel shall be double the diameter of the axle.

In the case of vehicles with springs the width of wheel tire shall be at least one and one-half times the diameter of the axle.

In the case of vehicles with wooden axles the width of wheel tire shall be at least the diameter of the axle.

Other styles of axle shall have tires of same width as those of equal carrying capacity above specified."

SECTION 2. That Section 646 of the Revised Laws shall be and is hereby repealed.

SECTION 3. This Act shall become law from and after the date of its approval.

Approved this 18th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.



## ACT 46.

## AN ACT

REGULATING THE BUSINESS OF FARRIERS AND HORSE-SHOERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No person shall engage in the business of a horse-shoer or a farrier for hire without first having a license so to do as provided herein.

SECTION 2. Any person who may wish to obtain a horse shoer's and farrier's license shall make a written application therefor to the Treasurer wherein shall be stated the residence of the applicant, his age, the length of time and the place where the applicant has carried on his trade and the place where he intends to carry on his trade.

Before such application is granted the High Sheriff or any Sheriff of the Territory shall examine the applicant to determine whether he is a suitable person to carry on the trade of a horse-shoer and farrier for hire, and on it being shown to the said High Sheriff or Sheriff that such applicant is a suitable person to engage in such trade, the fact shall be attested on said application by the examining High Sheriff or Sheriff.

SECTION 3. The license fee of farriers shall be Five Dollars per annum and payable to the Treasurer.

SECTION 4. Whoever shall violate the provisions of this Act shall be guilty of a misdemeanor and, on conviction, be fined not more than Fifty Dollars.

SECTION 5. This law shall take effect on the date of its approval.

Approved this 18th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 47.

## AN ACT

TO PROVIDE FOR A HIGH SCHOOL IN HILO, ISLAND AND TERRITORY OF HAWAII, UNDER THE DEPARTMENT OF PUBLIC INSTRUCTION OF THE TERRITORY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall be the duty of the Department of Public Instruction in the Territory of Hawaii to establish within twelve months of the taking effect of this Act, in Hilo, Hawaii, a High School. The requirements for entering and graduation, the rules and regulations, and courses of study and the standard shall be substantially similar to what is required by institutions of like character located elsewhere in the United States, or that as may be provided by the Superintendent of Public Instruction, with the approval of the Commissioners of Public Instruction.

SECTION 2. Students entering said High School may take any one or all of the courses of study provided therein subject to the rules and regulations of the institution relative to graduation, etc.

SECTION 3. Said High School so established shall be open alike to all persons who may desire to avail themselves of its advantages and who may be able to conform with the requirements established for entering the same.

SECTION 4. The management of the said High School shall be under the control of a principal to be appointed by the Department of Public Instruction and shall be provided with as many assistants, who are also to be appointed by the Department, as may from time to time be found necessary to maintain the proper standard and efficiency in said school. The salaries

of the principal and assistants to be fixed and paid by said Department out of the appropriation for that purpose.

SECTION 5. Said High School shall be maintained as a Territorial institution and all instruction to children of residents of the Territory shall be free.

SECTION 6. This Act shall take effect and be in force from and after its publication.

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We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 15th day of April, A. D., 1905.

D. PAUL R. ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 18th day of April, A. D., 1905.

ERIC A. KNUDSEN,  
Speaker.

D. KALAUOKALANI, JR.,  
Clerk.

## ACT 48.

## AN ACT

TO AMEND SECTION 1068 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the first paragraph of Section 1068 of the Revised Laws of Hawaii be amended so as to read as follows:

"Section 1068. No person shall practice medicine or surgery in the Territory of Hawaii either gratuitously or for pay, or shall offer to so practice, or shall advertise or announce himself, either publicly or privately, as prepared or qualified to so practice, without having first obtained from the Treasurer, under the seal of his Department, a license in form and manner substantially as hereinafter set forth. Such license shall only be granted upon the written recommendation of the Board of Health, provided however, that licenses to practice Osteopathy may be granted to graduates holding diplomas from any legally chartered and regularly conducted School or College of Osteopathy, and further provided that a Certificate to practice Osteopathy has first been obtained from the State Board of Osteopathic Examiners of the State of California, until such time as there is an Osteopathic Board of Examiners appointed for the Territory of Hawaii.

And provided further, that the practice of medicine as contemplated and set forth in this Act shall not be construed to exclude the use of any method or means or any agent either tangible or intangible by any person licensed to practice osteopathy, for the treatment of disease in the human subject, provided that no person so licensed to practice Osteopathy shall, by reason thereof, be authorized to administer drugs or medicines.

Any person applying for a license to practice Osteopathy shall first file with the Treasurer a certified copy of such diploma and satisfactory evidence that the applicant is a fit and

proper person to be so licensed to practice Osteopathy, and file with the President of the Board of Health a certificate from the Board of Osteopathic Examiners of the State of California, certifying that the applicant has passed the required examination, and is entitled to practice Osteopathy in that State.

No license shall be granted under the provisions of this Section unless the applicant shall pay an annual fee of Ten Dollars."

SECTION 2. This Act shall take effect from the date of publication.

Approved this 21st day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 49.

### AN ACT

TO PROVIDE FOR A BOARD OF IMMIGRATION AND DEFINING ITS  
DUTIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby established within and for the Territory of Hawaii, a BOARD OF IMMIGRATION.

SECTION 2. Such Board of Immigration shall be composed of five members, to be known as Commissioners of Immigration, who shall be appointed by the Governor, by and with the advice and consent of the Senate; and shall hold their office for the term of four years from the first day of May A. D. 1905, and until their successors shall have been appointed and qualified.

Provided, that if any vacancy shall occur on said Board of Immigration, by the death, resignation or removal of any of said Commissioners of Immigration, when the Senate is not in session, the Governor may fill such vacancy or vacancies by appointment; and such appointee or appointees shall hold office for the balance of the term, unless the Senate at its next session shall refuse to confirm such appointment or appointments.

SECTION 3. One of the Commissioners shall be President of the Board, under the title of Superintendent of Immigration, and shall be so designated in his appointment. The remaining four Commissioners shall only draw pay for their actual expenses in attending meetings of the Board. Said Board of Commissioners shall procure for the use of the Board a good and sufficient office.

SECTION 4. The Commissioners of Immigration shall meet in Honolulu, sometime prior to the first day of May, A. D. 1905, and shall take and subscribe an oath that they will faithfully demean themselves in office, and shall severally enter into and execute bonds to the Territory of Hawaii, in the sum of One Thousand Dollars each, with good and sufficient surety, to be approved by the Governor, conditioned for the faithful discharge of their duties as such Commissioners of Immigration.

SECTION 5. After said Commissioners of Immigration shall have qualified, as in the preceding Section mentioned, they shall proceed to organize as soon as may be, by the election from their number of a Secretary and Auditor.

SECTION 6. It shall be the duty of the Commissioners of Immigration to use such means as may be at their disposal to properly represent the advantages afforded by Hawaii to persons desiring to make their home therein; and they may employ such agents for like purpose as may be necessary. The Board may contract for and may advertise in one or more papers and

magazines, published in such foreign countries as they may deem advisable.

SECTION 7. The Board of Immigration shall have power to make contracts with railroads, steamboat lines and other transportation companies, either securing a low rate of fare to immigrants, or for paying the passage money of desirable immigrants, and to make the necessary preparation for their reception and temporary accommodation.

SECTION 8. The Board of Immigration shall open books and solicit subscriptions of money and other material aid from persons and corporations, to be used by the Board in promoting immigration to this Territory. Provided, that such subscriptions shall be expended and used before drawing on the amount appropriated by the Legislature for the use of said Board.

SECTION 9. It shall be the duty of the Board of Immigration to make biennial reports to the Governor, to be by him laid before the Legislature, at each session. Said reports shall give an itemized statement of all moneys received by the Board, and from what source received, and to whom and for what purpose paid; the results attained, or expected to be attained; the statistics of immigration, and other kindred information, together with such suggestions as the Board may think proper to make.

SECTION 10. The Superintendent of Immigration shall receive, in regular monthly payments, a salary to be fixed by the Legislature.

SECTION 11. The Legislature at each session shall make an appropriation for the ensuing two years, for the use of the Board of Immigration in carrying out the provisions hereof; said fund to be known as the Immigration Fund; and the Auditor of the Territory shall draw his warrants on said fund, upon the requisition of said Board of Immigration.

SECTION 12. All moneys subscribed for the use of the Board by persons or corporations, shall be deposited in some bank or banks in Honolulu, to the credit of the Board, and shall be drawn therefrom only by warrants signed by the President and Secretary.

SECTION 13. All bills shall be filed with the Auditor of the Board, and all accounts allowed shall be recorded by the Secretary. If at the time of the allowance of any account, there shall be to the credit of the Board from subscriptions, sufficient to pay the same, such account shall be paid therefrom. Whenever there is not sufficient money from subscriptions to pay any account allowed, the same shall be certified to the Territorial Auditor by the Secretary and Auditor of the Board, and shall be paid by the warrant of the Territorial Auditor, drawn on the Territorial Treasurer in favor of the party to whom such accounts shall be certified as due. After the appropriation for one year has been exhausted, there shall not be expended for that year any more money, unless the same may thereafter be subscribed by persons or corporations, nor shall any debt or obligations be incurred by the Board.

SECTION 14. This Act shall take effect and be in force from and after its passage.

Approved this 24th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.



## ACT 50

## AN ACT

TO AMEND SECTIONS 1610, 1613 AND 1616 OF THE REVISED  
LAWS OF HAWAII RELATING TO COMMUTATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1610 of the Revised Laws of Hawaii is amended to read as follows:

“Section 1610. Every person who has been or may hereafter be convicted of any offense under any law of the Territory of Hawaii, and is confined in execution of the judgment or sentence upon any such conviction in any prison or jail of the Territory for a definite term other than for life, whose record shows continued good behavior or meritorious conduct may be allowed a deduction from the term of his sentence to be estimated as follows, beginning on the first day of his arrival at such prison or jail: Upon a sentence of not less than six months nor more than one year, five days for each month; upon a sentence for more than one year and less than three years, six days for each month; upon a sentence of not less than three years and less than five years, seven days for each month; upon a sentence of not less than five years and less than ten years, eight days for each month; upon a sentence of ten years or more, ten days for each month. When a prisoner has two or more sentences, the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated.”

SECTION 2. Section 1613 of the Revised Laws of Hawaii is amended to read as follows:

“SECTION 1613. The granting, withholding, forfeiting and restoring of the deduction of sentence provided by this Act shall be discretionary with each Board of Prison Inspectors as to prisoners confined within the Judicial Circuit for which such Board is appointed.”

SECTION 3. Section 1616 of the Revised Laws of Hawaii is amended to read as follows:

"Section 1616. The deduction of sentence provided by this Act shall be allowed prisoners sentenced before this Act takes effect, but shall be allowed only from such date. The deduction of sentence lawfully allowed any prisoner before the date this Act takes effect shall be noted upon the record of such prisoner and added to the deduction of sentence allowed him under the provisions of this Act."

SECTION 4. This Act shall take effect from and after its passage.

Approved this 24th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 51.

### AN ACT

TO AMEND SECTION 2693 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2693 of the Revised Laws of Hawaii is hereby amended by striking therefrom the word "six" in line 3 thereof and by substituting therefor the word "eight".

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 24th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 52.

## AN ACT

## IN RELATION TO SUITS ON OPEN ACCOUNTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. When any action in any District Court or before any District Magistrate of this Territory or defense thereto is founded upon an open account supported by the affidavit of the party, his agent or attorney-in-fact, taken before some officer authorized to administer oaths to the effect that such account is just, true and correct, that all the goods have been delivered, that it is due and that all just and lawful offsets, payments and credits have been allowed, the same shall be taken as prima facie evidence thereof unless the party resisting such a claim shall make and file with his answer or other plea to the merits of the action a counter affidavit stating the items and particulars which are unjust or untrue or incorrect and particularizing wherein the same are just, true and correct, and whenever any party fails to file such counter affidavit he shall not be permitted to deny the account or any item therein which he shall not particularize in such counter affidavit as the case may be; provided, however, that when such counter affidavit shall be filed on the day of the trial the party claiming under such verified account shall have the right to continue such cause for at least three days or until such further time as the court may order. But this Act shall not apply to suits against executors, administrators, guardians or trustees. A defendant desiring to use an open account as a setoff shall be entitled to the benefit of this Act.

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SECTION 2. The affidavit referred to in the preceding section may be made by any member of the firm or by any officer of the corporation claiming on such account.

SECTION 3. Whenever in any such action, it shall be neces-

sary to prove the delivery of goods, wares or merchandise sold, proof that the account rendered therefor has not been disputed for six months after the first rendering thereof shall be prima facie evidence of such delivery.

SECTION 4. This Act shall take effect and be in force from and after the date of its passage.

The provisions of this Act shall not apply to accounts incurred before the approval of this Act.

Approved this 24th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 53.

### AN ACT

TO PROVIDE ONE FIRE DEPARTMENT FOR THE TOWNS OF WAILUKU AND KAHULUI, ONE FOR THE TOWN OF LAHAINA, AND ONE FOR ANY OTHER TOWN IN THE TERRITORY WHERE SUCH DEPARTMENT IS PROPERLY ORGANIZED UNDER THE PROVISIONS OF THIS ACT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be one Fire Department for the towns of Wailuku and Kahului, one for the town of Lahaina, Island of Maui, and one for any other town in the Territory where such Department is properly organized under the provisions of this Act, each of which shall consist of a Chief Engineer, not over two assistants, and as many firemen as may be approved by the Board of Representatives of the Department duly chosen as by its by-laws provided. Each of such Fire De-

partments shall be under the general authority and control of the Superintendent of Public Works.

SECTION 2. The Chief Engineer and Assistants shall be elected biennially on the first Monday of July. The first regular election shall take place in July 1905, and such provisional department as may be organized prior to that time shall continue in office until such election shall have been held.

SECTION 3. The method of holding elections, of regulating the affairs of the department, and of all business incident thereto, shall be prescribed in the by-laws to be enacted by the Fire Department, which by-laws may be from time to time amended or annulled as may be prescribed in said by-laws. In case an office shall become vacant by death, resignation or removal, the same shall be filled as shall be from time to time provided in the by-laws.

#### CHIEF ENGINEER.

SECTION 4. The Chief Engineer of each Fire Department shall be a resident of the town in which said Fire Department is organized, and shall be possessed of all the qualifications required by law for electors of Representatives to the Legislature. In case of the non-election of his successor at a regular election, he shall continue to hold office until such successor shall be duly elected.

SECTION 5. The Chief Engineer shall have the care, custody and control of the property of the Fire Department and shall be responsible to the Superintendent of Public Works for the same. He shall, with the consent and approval of said Superintendent of Public Works make expenditure of moneys appropriated by the Legislature for the said several Fire Departments. He shall not contract any debt on behalf of the Department, nor dispose of any property belonging to the same without the consent of the said Superintendent of Public Works. In case of fire, he shall have the sole and absolute con-

trol and command over all the members of the Fire Department, and shall have general authority and control over the region in the neighborhood of such fire within reasonable limits, to be named by him if he shall deem fit. He shall assign to the custody of such fire companies as he may deem proper the custody and control of any portion of the property of the Department. He shall, at least once in three months, examine into the condition of the property of the Fire Department, and shall, at least once each year, make report thereof to the Superintendent of Public Works, together with a statement of all expenditures included in such period. He shall, at such times, also report the number of fires which shall have occurred during the period, together with the localities where the same occurred; the names and owners or occupants of the premises of the property damaged or destroyed; the cause or origin of the fire, if known, the amount of insurance, together with any other facts necessary to a complete understanding of the case, and such further information as may be required by said Superintendent of Public Works. He shall also cause the property of the Department to be kept in repair.

SECTION 6. The Chief Engineer shall also perform the duties required by law to be done and performed by the Fire Marshal in the City of Honolulu in so far as the same may be applicable to the towns in which such Fire Department is organized, and subject to such regulations as to dates and performance as may be regulated by the Fire Department of such.

SECTION 7. The Assistant Engineer or Engineers shall perform such duties as may be directed by the Chief Engineer or assigned to them by the Fire Department at meetings of the Board of Representatives. In case of the absence or disability of the Chief Engineer, his duties shall be performed by the First Assistant.

#### BOARD OF REPRESENTATIVES.

SECTION 8. There shall be at all times a Board of Repre-

representatives of the Fire Department, which shall consist of the Chief Engineer, the Assistants, the Foreman and one Assistant Foreman for each Fire Company, and a delegate from each of said companies. The delegates shall be elected annually from the members in regular standing in each company.

SECTION 9. The Board of Representatives shall hold meetings for the transaction of the business of the Department at least once in three months. They shall enact by-laws for the control of the Department. They shall fix the number of members of each fire company, both active and honorary. They may disband companies for inefficiency or for good cause upon hearing, after due notice. They shall examine into complaints made against the Fire Department or against any member thereof, and may prescribe the terms of certificates of membership, subject to law. They shall elect from the active members of the Department a treasurer, who shall also act as secretary of the Department, who shall give proper bonds to the Chief Engineer for the performance of his duties and the expenditure of moneys coming under his control, and generally shall have the care and supervision of matters relating to the Fire Department, other than the duties prescribed for the Chief Engineer.

#### MEMBERS OF THE FIRE DEPARTMENT.

SECTION 10. Any person may become a member of such Fire Department by the affirmative vote of the majority of the members of any fire company to which such person shall have applied, provided always, that such person shall not be a vagrant or disorderly person, and shall not have been convicted of any felony which shall not have been pardoned.

SECTION 11. Members of the Fire Department who shall have been in the active performance of their duties for at least a year preceding the first of July of each year, and shall receive a certificate to that effect, shall be exempt from the payment of poll, school and road tax in each year. Only such members

shall be entitled to vote at elections of the Department; and further provided, that no person under eighteen years of age shall be entitled to vote.

SECTION 12. There shall be as many companies of firemen as shall from time to time be prescribed by the Board of Representatives. Each of said companies may choose out of their own number a foreman, assistant foreman, secretary and treasurer. The last two offices may be combined in one person. Each company shall have power to make, amend and annul such rules and regulations for their government not in conflict with law or the by-laws of the Department as may be required.

SECTION 13. Every fireman shall attend all of the drills and parades as well as the meetings of their respective companies, unless prevented by actual illness or absence from Wailuku or Kahului, and shall be subject to all of the rules of the Fire Department and of their respective companies.

SECTION 14. Each fireman shall promptly respond to an alarm of fire and attend with his company until the foreman or assistant shall order such company to disperse.

SECTION 15. At least once every month the several engines and apparatus shall be practiced and thoroughly cleaned and examined. If any fireman shall neglect to attend at such practice, or shall neglect or refuse to perform any duty in connection therewith, he shall be subject to such penalty as may be prescribed by the rules of the Department or of his company.

#### FIRES.

SECTION 16. Upon the occasion of any fire, any person breaking through the limits set by the Chief Engineer (excepting owners or occupants of buildings in the immediate vicinity of such fire) or interfering with the movements or working of any fire engine or machinery, or maliciously or carelessly running over any line of hose in use at such fire, or in any manner



at any time wantonly or intentionally injuring any portion of the fire apparatus, or otherwise interfering with the actions of the Department in extinguishing or controlling the same, shall be liable to a fine not exceeding two hundred and fifty dollars.

SECTION 17. The Chief Engineer and the police are authorized to remove or cause to be removed and kept away from the vicinity of the fire, by force if necessary, any idle or suspicious person and all persons not, in their judgment, fit to be employed, or not actually or usefully employed in aiding in the extinguishing or controlling of such fire, or the preservation of property in the vicinity thereof.

SECTION 18. The Chief Engineer and persons acting under his orders shall, for the purpose of saving property and obtaining control of a fire, have the right to enter in and upon the premises in the immediate neighborhood of such fire; and any person refusing to allow such access may be forcibly removed.

SECTION 19. The engines, carriages and other apparatus of the Fire Department shall, in all cases of alarms of fire, have the right of way through all streets, alleys, lanes, byways and highways in the towns in which such Fire Department is organized.

SECTION 20. The occupants or owners of any building which may be on fire or in danger of fire in which any explosive material or oil shall be stored, shall immediately give notice thereof to the Chief Engineer of such fact.

SECTION 21. In so far as the provisions of the Act relating to the Fire Department of Honolulu, being Chapter 71 of the Revised Laws of Hawaii 1905, with regard to the extinguishing of fires or the controlling thereof shall be applicable to the towns in which such Fire Department is organized, the same shall be in force and be full authority for the performance of any act therein named for such purposes.

SECTION 22. The "County Board of Supervisors" when used in this Act, for the purposes of this Act at any time before the inauguration of Counties, shall be held to also mean the Superintendent of Public Works of the Territory.

SECTION 23. This Act shall take effect from and after the date of its approval.

Approved this 24th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 54.

### AN ACT

TO AMEND ACT 39 OF THE SESSION LAWS OF 1905, ENTITLED  
"AN ACT CREATING COUNTIES WITHIN THE TERRITORY  
OF HAWAII AND PROVIDING FOR THE GOVERNMENT  
THEREOF."

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Act 39 of the Session Laws of 1905 is hereby amended:

By striking out in Section 12 thereof the words "an assessor and tax collector;"

By striking out in Section 13, lines 3 and 4, all the words after the words "Deputy Sheriff";

By striking out in Section 16, line 2, the words "and Deputy Assessors and Tax Collectors";

By striking out all those parts of Section 24 thereof referring to bonds of assessors and tax collectors, and to bonds of deputy assessors and tax collectors;

By striking out all those parts of Section 28 thereof referring to the salaries of assessors and tax collectors, and deputy assessors and tax collectors;

By striking out all of Chapters 19 and 20 of said Act, which chapters refer to the duties of assessors and tax collectors and deputy assessors and tax collectors.

SECTION 2. Section 27 of said Act is hereby amended so as to read as follows:

"Section 27. In lieu of the bond above provided, the bond of a surety company authorized under the laws of the United States to become surety on bonds of public officers, and lawfully doing business in the Territory of Hawaii, under the laws of the United States and of the Territory of Hawaii, may be accepted, and in such case no justification shall be required."

SECTION 3. Section 39 of said Act is hereby amended by inserting at the end of the last sentence thereof, the words "including the salaries of inspectors of election"; so that said sentence shall read as follows:

"All expenses for the election of county officers shall be borne by the county, including the salaries of inspectors of election, in cases where the election is for county officers only, except the expenses of the Special Election of 1905."

SECTION 4. Section 60 of said Act is hereby amended by inserting, after the word "county," in line 4 of said section, the words: "except members of the Board of Supervisors";

And further, by inserting at the end of said section the following clause:

"And provided further, that members of the several Boards of Supervisors shall be tried for any of the causes specified in this section, and in manner similar to that provided for the trial of other county officers, before the Supreme Court of the Territory, which shall have power, in case said charges are sustained, to remove any of said officers from office."

SECTION 5. Section 61 of said Act is hereby amended by striking out all from the beginning of said section, to and including the word "county" in line 2 thereof, and inserting in place of the words stricken out, the following: "Any vacancy occurring in any county office;" so that said section shall read as follows:

"Section 61. Any vacancy occurring in any county office shall be filled by appointment by the Board of Supervisors, unless such vacancy is in the Board of Supervisors, and, in such case, such vacancy shall be filled by appointment by the Governor for the remainder of the unexpired term of such officer."

SECTION 6. Section 62 of said Act is hereby amended by striking out all of subdivision 6 of said section, which reads:

"6. To regulate, by ordinances, the transportation, storage and use of all explosives and inflammable oils, and to fix a penalty for the violation of such ordinances."

And further, by making subdivision 7 thereof sub-division 6.

SECTION 7. This Act shall take effect from and after the date of its approval.

Approved this 25th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 55.

### AN ACT

#### FOR FUNDING BONDED INDEBTEDNESS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Treasurer of the Territory of Hawaii is hereby authorized and empowered, with the approval of the

Governor, to issue negotiable bonds in the name of the Territory of Hawaii with interest coupons attached, to an amount not exceeding Eight Hundred Thousand (\$800,000.) Dollars, the principal and interest to be paid in gold coin of the United States of America, or its equivalent, at its present standard of weight and fineness, for the sole purpose of refunding all or a part of that certain outstanding bonded indebtedness of the Territory of Hawaii known as the Gold Bond of the Government of the Republic of Hawaii issued under the authority of Act 71 of the laws of the Republic of Hawaii, session of 1896, approved on the 13th day of June 1896, entitled "An Act to provide for public loans".

And for the purposes of this Act, the Treasurer of the Territory, with the approval of the Governor, is hereby authorized to call in any or all of the bonds of the above authorized issue at such time or times as he may deem advisable.

SECTION 2. All bonds issued under authority of this Act shall be approved by the President of the United States, and shall bear interest, payable semi-annually, at a rate less than five (5) per centum per year, and be made redeemable in five years, and payable in fifteen years from the date of issue thereof.

SECTION 3. All such bonds shall be exempt from any and all taxes whatsoever, and the payment of the principal and interest thereof shall constitute a charge upon the consolidated revenues of the Territory.

SECTION 4. The proceeds of the bonds so issued shall be exclusively devoted to the purposes for which the same are issued.

SECTION 5. The Treasurer of the Territory may, with the approval of the Governor, determine the denominations of such bonds to be issued under the authority of this Act, and the place

at which the principal and interest of such bonds, or any of them, shall be payable and the method of their redemption. He may make such arrangements as may be necessary or proper for the sale of the whole or any part of the authorized issue. The arrangements shall provide for the sale of the bonds by the Government itself by public advertisement for tenders or by private sale, but no bonds shall be sold at less than their nominal par value.

SECTION 6. All bonds issued under the provisions of this Act shall be lithographed or steel engraved, and shall be signed by the Treasurer of the Territory and by the Registrar of Public Accounts, and be sealed with the seal of the Treasurer. Interest coupons shall bear a lithographed or engraved facsimile of the signature of the Treasurer of the Territory.

SECTION 7. Said bonds may be exchanged at not less than par value for an equal amount of the bonds permitted to be funded under the provisions of this Act, at the par value of said bonds, or said bonds may be sold as provided by this Act, and the proceeds applied solely to the payment of such indebtedness. When said bonds are so taken up by the issue of bonds as herein provided for, such redeemed bonds shall be cancelled or destroyed by the Treasurer.

SECTION 8. When the bonds of the issue herein authorized and the several coupons thereto attached mature, it shall be the duty of the Treasurer to pay the same on presentation out of any funds in his hands applicable thereto. But if such bonds or coupons are made payable elsewhere than at the office of the Treasurer, he shall forward sufficient funds to the designated place or places of payment, to meet and pay all such obligations at maturity, in accordance with the terms hereof.

SECTION 9. Bonds issued in substantial conformity to the preceding provision shall in law be considered negotiable.

SECTION 10. This Act shall take effect and become law from and after the date of its approval.

Approved this 25th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 56.

### AN ACT

TO AMEND SECTION 1 OF ACT 34 OF THE LAWS OF THE SESSION OF 1905.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1 of Act 34 of the session Laws of 1905 is hereby amended by striking out the words "in the District of North Kohala on the Fourth Wednesday of April," in lines 11 and 12 thereof.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 25th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

**ACT 57.****AN ACT**

**IN RELATION TO THE LICENSING OF EMIGRANT AGENTS.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The annual fee for a license for each emigrant agent, or employer or employe of such agent, doing business in this Territory, shall be Five Hundred Dollars.

SECTION 2. The said license shall be issued in the same manner as is provided for the issuance of other licenses by Chapter 102 of the Revised Laws of Hawaii, 1905.

SECTION 3. Any person who shall engage in business as an emigrant agent without first obtaining a license, issued in conformity with the provisions hereof, and of said Chapter 102, or who shall violate or fail to observe any of the provisions hereof, or of said Chapter, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than the annual fee, and not more than twice the annual fee herein provided for the carrying on of such business.

SECTION 4. The emigrant agent, as used in this Act, shall be held to mean a person engaged in hiring laborers in the Territory of Hawaii, to be employed beyond the limits of the Territory, or engaged in inducing laborers in the Territory of Hawaii to go beyond the limits of the Territory of Hawaii for the purpose of being employed.

SECTION 5. This Act shall take effect and be in force from and after its passage.

Approved this 25th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.



**ACT 58.****AN ACT**

CREATING THE HONOLULU JAIL, AND PRESCRIBING THAT  
FELONS SHALL NOT BE CONFINED THEREIN.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That the building now known as the new prison erected in Iwilei, Honolulu, in the year 1904 on the Ewa side of the building known as the Oahu Prison, shall hereafter be known as the Honolulu Jail.

SECTION 2. That no person convicted of a felony or suffering infamous punishment shall be sentenced to be confined or shall be confined within said Honolulu Jail so designated. No person confined therein shall be subject or compelled to perform labor during the term of his imprisonment.

SECTION 3. This Act shall take effect and be in force from and after the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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**ACT 59.****AN ACT**

RELATING TO PRISONERS OTHER THAN FELONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No person committed or held for trial or to secure his attendance as a witness or upon civil process or for

contempt or upon conviction of a misdemeanor or otherwise by authority of law, except upon conviction of a felony, shall be imprisoned in Oahu Prison or subjected to any infamous punishment.

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 60.

### AN ACT

AMENDING SECTION 643 OF THE REVISED LAWS OF HAWAII,  
RELATING TO DRIVING OR RIDING ACROSS BRIDGES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 643 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 643. Driving or Riding Across. No cart, wagon, dray or carriage drawn by oxen, horses or mules, and no rider of horse or mule shall pass over any wooden or iron bridge in this Territory of ten feet span or more, at a pace faster than a walk; and no automobile shall pass over any such bridge at a speed greater than four (4) miles an hour, under a penalty of Five Dollars (\$5.00), recoverable against the driver of such cart, wagon, dray, carriage or automobile, or rider of such horse or mule; provided, however, that no such penalty shall be imposed, except in cases where signs calling attention to this section shall have been placed on such bridges.”

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 61.

### AN ACT

TO AMEND SECTIONS 1660 AND 1661 OF THE REVISED LAWS OF  
HAWAII RELATING TO THE APPOINTMENT AND REMOVAL  
OF DISTRICT MAGISTRATES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1660 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

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"Section 1660. There shall be appointed one or more District Magistrates for each Judicial District of the Territory. Such appointments shall be made by the Chief Justice of the Territory. Each Magistrate shall be a resident of the District for which he is appointed. And such Magistrates shall possess the qualifications necessary for the admission of Attorneys to practice law in the District Courts of this Territory."

SECTION 2. Section 1661 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1661. District Magistrates shall hold office for the term of two years from the date of their respective appointments; provided, however, that any Magistrate may be summarily removed from office, and his Commission revoked by the

Supreme Court whenever said Supreme Court shall deem such removal necessary for the public good."

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 62.

### AN ACT

TO PREVENT THE WANTON DESTRUCTION OF FOOD FISHES LIVING IN THE WATERS OF THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No person shall take, catch or kill any fish fit for food, living in the waters of any sea, harbor, bay, inlet or stream within the jurisdiction of the Territory of Hawaii by means of any net, seine, trap or other contrivance of whatever kind or description having a smaller mesh or opening than two (2) inches stretched or one (1) inch square.

This law shall not prohibit the use of nets and other contrivances used in the fishing and selling of: nehu, puhikii, amaka, opelu, hinalea, oama, oopukai, maiii, maomao, manini, iao, aholehole, opae, hinana, oopu nopili, oopu nakea, kole, iheihe, mamamo, pao, ohua palemo, ohua aliko, malolo, akilolo, hahalalu, akule, piha, alaihi, uu, ahaaha, puili, alalaua, aweoweo, upapalu, pubi, uiui, maikoiko, aloiloi, aalaheo, pakii, gold fish and catfish.

SECTION 2. No person shall sell or otherwise dispose of any fish taken, caught or killed contrary to the provisions of Section 1 of this Act; provided, that nothing in this Act shall prevent the catching of young fish for the purpose of restocking fish ponds or streams or for scientific or aquarium purposes.

SECTION 3. Any person violating the provisions of this Act shall, upon conviction, be punished by a fine of not less than \$20.00, nor more than \$200.00, or by imprisonment for not less than ten nor more than ninety days, or by both such fine and imprisonment.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 63.

### AN ACT

#### PROVIDING FOR THE PAROLE OF PRISONERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Any person who is now or may hereafter be confined in any jail or prison in the Territory, except those persons hereinafter excepted, who has served the minimum term provided by law for the crime for which he has been convicted, may be paroled by the Governor for the remainder of his term upon the written recommendation of the Board of Prison Inspectors for the Judicial Circuit within which such person is

confined, and be allowed to go under parole outside of the buildings and enclosures of such jail or prison. The Boards of Prison Inspectors of the Territory are hereby empowered and directed to make rules and regulations under which such prisoners may be paroled, and such rules and regulations shall go into effect when approved by the Governor.

SECTION 2. No parole shall be recommended by any Board of Prison Inspectors unless it appears to such Board that there is a strong and reasonable probability that the prisoner concerned will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, nor unless such recommendation is endorsed and approved by a majority of such Board. No parole shall in any event be granted to any person convicted of murder in first or second degree, or to any felon who has been convicted in any jurisdiction of a felony other than that for which he is being punished.

SECTION 3. Any person when on parole shall be and remain in the legal custody and under the control of the Board of Prison Inspectors for the Judicial Circuit within which he has been confined, subject to all rules and regulations made by such Board as provided in this Act and further subject to be taken back to the prison or jail from which he has been released at any time until the expiration of the term for which he was sentenced. Each Board of Prison Inspectors is hereby fully empowered to enforce the rules and regulations made by it as prescribed by this Act, and to re-take and re-imprison any person paroled on its recommendation whenever satisfied that such person has violated any of such rules and regulations. The written order of such Board, certified by its Secretary, and directed to any sheriff or police officer in the Territory, shall be a sufficient warrant for any such officer to authorize him to take into custody and return to such prison or jail any paroled prisoner; and it is hereby made the duty of all such officers to exe-

cute such orders like other ordinary criminal process. Any paroled prisoner so re-taken and re-imprisoned shall be confined according to his sentence for the unexpired portion of his term, and the time during which he has been out on parole shall not be counted as any part of such unexpired portion of his term.

SECTION 4. If a prisoner, other than those excepted from the provisions of this Act, is confined upon more than one sentence he may be paroled when he has served a term equal to the aggregate of the minimum terms prescribed by law for the crimes for which he is being punished, and he shall be subject to the provisions of this Act until the expiration of a term equal to the aggregate of the sentences under which he was confined.

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 64.

### AN ACT

AUTHORIZING THE ISSUANCE OF CERTIFICATES OF HAWAIIAN  
BIRTH.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Secretary of Hawaii may, whenever satisfied that any person was born within the Hawaiian Islands

issue to such person a certificate showing such fact. Said Secretary may prescribe the form in which applications for such certificates shall be made, the method of proof and kind of evidence to be furnished, and the form of such certificates. Said Secretary may also examine, under oath, any applicant or any person cognizant of the facts regarding any applicant; and for that purpose is hereby authorized to administer oaths. A fee of Seven Dollars and Fifty Cents (\$7.50) shall be charged by said Secretary before issuing any certificate; all such fees received shall be paid by said Secretary to the Treasurer of the Territory as government realizations.

SECTION 2. Any false testimony, whether verbal or written, given or offered, under oath, by or on behalf of any applicant for the certificate provided for in the foregoing section, shall be perjury, and punishable as such.

SECTION 3. Any certificate of Hawaiian birth issued in conformity with the provisions hereof, shall be deemed and held prima facie evidence of the facts therein stated, before any registration or election board, and in all the courts of the Territory.

SECTION 4. This Act shall take effect from the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.



## ACT 65

## AN ACT

AMENDING SECTIONS 379 AND 381 OF THE REVISED LAWS OF HAWAII PROVIDING FOR THE ENCOURAGEMENT AND PROTECTION OF AGRICULTURE, HORTICULTURE AND FORESTRY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 379 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

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"Section 379. The Governor may, with the approval of a majority of the Board, after a hearing or hearings as herein-after provided, from time to time set apart any Government land or lands not then under lease or on which there is a lease of two years or less, as forest reservations. Any land or lands while so set apart shall not be leased or sold by the Government or used in any way for any purposes inconsistent with this Act; provided, however, that the Governor may from time to time, with the approval of the Commissioner of Public Lands, after a hearing or hearings as hereinafter provided, revoke, modify or suspend any and all the orders and proclamations or any part thereof, which set apart such lands."

SECTION 2. Section 381 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 381. Before setting apart any Government lands under this Act or before revoking, modifying or suspending any orders and proclamations or any part thereof which set apart such lands as forest reservations, the Governor shall give not less than fourteen days' notice, by advertisement in not less than two newspapers, published in this Territory, of his intention to consider either the setting apart of Government land for forestry reservations under this Act, or the revoking, modifying or suspending of any orders and proclamations or any part

thereof which set apart such lands, as the case may be; which notice or notices shall contain the name or names of the Island or Islands and of the district or districts in which said land or lands are located and shall further appoint a time or times, place or places for hearing evidence and arguments either for or against the setting apart of said proposed forest reservations or the revoking, modifying and suspending any forest reservation heretofore made under this Act."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 66.

### AN ACT

TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A TELEPHONE SYSTEM ON THE ISLAND OF OAHU, TERRITORY OF HAWAII, BY THE "STANDARD TELEPHONE COMPANY, LIMITED."

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The right is hereby granted to the Standard Telephone Company, Limited, a corporation organized under the laws of the Territory of Hawaii, to construct, operate and maintain, for the term of twenty-five years from the date of the approval of this Act, a telephone and electrical communicative system, aerial, underground or subaqueous, in, upon, along

and under the highways and public roads of the said Island of Oahu, and under the lands and waters of said Island.

SECTION 2. The said telephone system shall be operated by underground wires within a radius of one-half mile starting from the North corner of Fort and King Streets, and beyond said limits by aerial, underground or overhead wires, or by such other means or methods as may be adopted by said company from time to time, with the approval of the Superintendent of Public Works.

SECTION 3. If the Standard Telephone Company, Limited, shall at any time acquire by lease or otherwise the rights, franchises and property of any person or corporation operating a telephone system on the Island of Oahu, all of the rights, privileges, powers and authority by this Act conferred with reference to the occupation of streets, lands and waters, maintenance and operation of telephone companies, and, also, all other powers so conferred are hereby authorized in the maintenance and use of the property so acquired.

SECTION 4. All underground wires shall be in conduits not less than two feet beneath the surface of the street, which surface shall be securely supported so as not to impair the use and enjoyment of said streets by the public, and all trenches in which conduits are placed, as well as the manholes connected with the system, shall be constructed in a substantial and workmanlike manner.

SECTION 5. The said Standard Telephone Company before laying its conduits or otherwise disturbing any of the streets or roads of the Island of Oahu, shall ascertain the lawful grade of such streets or roads from the Superintendent of Public Works, who shall furnish the required information within a reasonable time.

The conduits or other equipment of the said company which affect the surface of the public streets or roads shall conform

to the grades of said streets or roads on which they are laid down, as furnished by the Superintendent of Public Works or other officer duly appointed by him, and the said Standard Telephone Company shall not in any way change or alter the same without the written consent of the Superintendent of Public Works. And the Territory of Hawaii reserves further the right to change and alter the line and grades of its streets at any time, and the said Standard Telephone Company shall at their own cost within sixty days conform to such new lines and grades in reconstructing its surface equipment or conduits upon receiving notice in writing from the Superintendent of Public Works, and such changes shall be made subject to the approval of the Superintendent of Public Works. And in all cases of street improvements by the Territory (or county) the said Standard Telephone Company shall conform to all such improvements as directed by the Superintendent of Public Works. In case of neglect by said Standard Telephone Company to make such repairs, changes or improvements required of it by this Section, they shall be made by the Territory, and the cost of such repairs, changes and improvements shall be recovered by the said Territory from the said Standard Telephone Company.

SECTION 6. The said Standard Telephone Company, Limited, shall erect and maintain its poles and lines so as not to unnecessarily interfere with the public use of the streets, alleys, lanes and highways, and wherever its lines are laid underground, shall cause all excavations to be immediately filled upon the completion of such work, and the streets, alleys, lanes and highways restored to the condition in which they were before such excavations were made.

SECTION 7. The said Standard Telephone Company, Limited, shall have the right at all times to construct and repair its underground or overhead wires or appliances by them required in the construction, equipment, operation and maintenance of said telephone system, and to lay, maintain and operate such

additional underground or overhead wires as the business of the said Standard Telephone Company, Limited, may require.

SECTION 8. The said Standard Telephone Company, Limited, shall, from time to time, make such rules and regulations for the government of its affairs not inconsistent with the laws of the Territory of Hawaii as will protect it from loss, misuse of its instruments or abuse of its service.

SECTION 9. Any person wilfully and maliciously doing any of the following acts, to-wit: obstructing the free communication of intelligence, message, conversation, or tapping the lines of the said Standard Telephone Company, Limited, defacing, marring or injuring the poles, wires, or other appliances used in operating, using the poles, fences, houses or other property, without consent, for advertising purposes, or in any other manner inflicting injury to the property; or causing annoyance and embarrassment in the enjoyment of its property, rights or franchises to the said Standard Telephone Company, Limited, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding Fifty (50) Dollars, or by imprisonment not exceeding a term of three months, or upon a second or further conviction, by both such fine and imprisonment.

SECTION 10. Whenever it shall be deemed necessary that the rights of way over private property should be taken by the said Standard Telephone Company, Limited, and the same cannot be acquired by purchase for a reasonable or fair compensation, the said Standard Telephone Company, Limited, is hereby authorized and empowered to take such places or property to the extent only of the actual amount necessary for the said right of way in the manner hereinafter provided. Provided, however, that this Act shall not be construed to allow the said Standard Telephone Company to condemn the equipment of any other electric or telephone company.

SECTION 11. If the person, persons, association or corporation owning such property does not consent and agree to the use required, and to the compensation offered therefor, the said Standard Telephone Company, Limited, may institute condemnation proceedings in the Circuit Court of the First Circuit of the Territory of Hawaii, which is hereby empowered to hear and determine such condemnation proceedings.

SECTION 12. The said Standard Telephone Company, Limited, shall have the right to take over, either by purchase or lease, any or all of the property, real or personal, rights, privileges and franchises, of any other telephone company, and shall have when so acquired and may exercise all the rights, powers, privileges and franchises of such company, whether the same be derived by charter, by municipal authority, by act of the Legislature of the Territory of Hawaii, or by the United States Congress.

SECTION 13. The said Standard Telephone Company, Limited, whenever from time to time it shall be deemed expedient in furtherance of the objects by this act authorized, shall have the power to borrow money and to secure the payment thereof with interest agreed upon, by mortgage of all or any portion of its property, which may include the franchise, and any such mortgages may be issued, if it be deemed advisable, in the form of mortgage bonds, such mortgages or trust deeds may, in addition to the property named above, cover also any property or property rights to be acquired after their several dates, as well as the income and receipts of the property from whatever source derived. Such mortgages and trust deeds may also contain such provisions as the said Standard Telephone Company, Limited, may deem advisable and proper for the protection of all concerned, relative to payment of interest and principal, possession and operation of said telephone system or other property, default, remedies, foreclosures, powers of mortgagees or trustees in the matter, and all and every other matter which may be deemed wise and proper to insert therein.

SECTION 14. The said Standard Telephone Company, Limited, shall pay to the Government of the Territory of Hawaii a tax of two and one-half per cent. ( $2\frac{1}{2}\%$ ) of its gross proceeds from and after the expiration of two years from the date of the approval of this Act by the Congress of the United States. Such payments shall be made quarterly.

SECTION 15. In case of purchase, lease or acquirement of the property of any other telephone company, as provided in Section 12 of this Act, by the Standard Telephone Company, then and in that case the tax provided for under Section 14 of this Act shall be paid to the Territory from the date of such purchase, lease or acquirement.

SECTION 16. Such portion of the general telephone system required for a general public service as is to be operated in underground conduits, and within one-half mile radius of the point designated in Section 2 of this Act, shall be completed and in operation within two years from the date that this Act is approved by the Congress of the United States; and if the said Standard Telephone Company, or any other person or corporation claiming under this Act, shall fail to comply with the provisions of time limitation as expressed in this Section, then and in that case all rights under this Act shall be forfeited, and the privileges hereby granted shall forthwith cease and determine.

SECTION 17. Any person using the telephone instruments of the Standard Telephone Company shall be liable to pay for the use of such instruments at the following rates, viz:

(a) Residences situated at such distances from the central office of the company as to require not more than five miles of constructed line, not more than \$2.50 per month;

(b) Places of business situated at such distances from the central office of the company as to require not more than five miles of constructed line, not more than \$4.00 per month;

(c) For instruments at places situated at such distances from the central office of the company requiring more than five miles of constructed line, not more than \$6.25 per month;

Provided, however, that nothing in this Section contained shall prohibit the making of any special contract for any special service.

SECTION 18. The said Standard Telephone Company shall during the existence of this franchise have and maintain an office for the transaction of business of the company at some place in Honolulu convenient of access to the public, and a majority of the Board of Directors of said company and other persons having the charge, management and control thereof shall be residents of the Territory of Hawaii.

SECTION 19. The entire plant, operation, books and accounts of said Standard Telephone Company shall at any time be open and subject to the inspection of the Superintendent of Public Works or any person appointed by him for the purpose.

SECTION 20. *Forfeiture of Franchise.* Whenever said company refuses or fails to do or perform or comply with any act, matter or thing requisite or required to be done under the terms of this Act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the Superintendent of Public Works to comply therewith, said Superintendent of Public Works shall, with the consent of the Governor and Attorney-General, cause proceedings to be instituted before the proper tribunal to have the franchise granted by this Act and all rights and privileges granted hereunder forfeited and declared null and void.

SECTION 21. *Franchise not Exclusive.* It is hereby expressly provided that nothing herein contained shall be so construed as to grant to the company the exclusive right to install or operate a telephone system or systems.



SECTION 22. This Act shall take effect from and after its approval by the Congress of the United States of America.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 67.

### AN ACT

7 243,274

inter. TO REGULATE THE MANUFACTURE AND SALE OF INTOXICATING  
Liquors. REPEALING CHAPTER 103 OF THE REVISED LAWS  
ALCOHOLS. OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

#### DEFINITIONS.

SECTION 1. The term "intoxicating liquors" as used in this Act, shall be held to include spirituous liquor and any beverage in which may be found any percentage of distilled spirits, spirits, alcohol and alcoholic spirit as defined by the laws of the United States, and any sake, beer, lager beer, ale, porter and malt or fermented liquor, and the manufacture and sale thereof shall be regulated as in this Act provided.

"Sunday" as used in this Act shall mean the time between twelve o'clock on Saturday night and six o'clock on the succeeding Monday morning.

"Gallon" as used in this Act shall mean the gallon defined and used as a standard of measure under the laws of the United States.

## ISSUANCE OF LICENSES AND CLASSIFICATION THEREOF.

SECTION 2. The Treasurer of the Territory shall grant to any person, co-partnership or corporation applying therefor, and complying with the restrictions hereinafter described, licenses of the following classes:

(1) To manufacture intoxicating liquor, other than wine, for a term of ten years, and to sell the same in quantities not less than five gallons in bulk. Such licensee shall pay to the Treasurer an annual fee of Five Dollars (\$5.00);

(2) To manufacture for a term of one year, wine produced from grapes grown by such licensees or by others, and sell the same at the place where such wine is made. Such licensee shall pay to said Treasurer an annual fee of Five Dollars (\$5.00);

(3) To sell intoxicating liquors, for a term of one year, in quantities not less than five gallons in bulk. Provided, that no part of such liquor shall be used or consumed on the premises where sold, or on any other premises contiguous thereto, procured or rented by such licensee or by any other person through his agency or for his benefit. Such licensee shall pay to said Treasurer an annual fee of Five Hundred Dollars (\$500.00);

(4) To sell intoxicating liquors, for a term of one year, in quantities less than five gallons in bulk. Such licensee shall pay to said Treasurer an annual fee of Five Hundred Dollars (\$500.00);

(5) To sell intoxicating liquors, for a term of one year, in their original containers, sealed as hereinafter provided, in quantities less than five gallons in bulk. Such licensee shall pay to said Treasurer an annual fee of One Hundred Dollars (\$100.00). Such licenses may be issued for use on passenger steamers plying between the ports of the Territory; provided, however, that no sale shall be made by such licensees within the districts defined in Section 6 of this Act.

SECTION 3. Every license of each class shall be numbered consecutively, and shall bear upon its face the class, number, name of the licensee, the conditions prescribed in this Act for licenses of its class, a description in detail of the premises covered by it, the date of issue and date of its expiration. It shall be signed by the Treasurer of the Territory, who is hereby directed to prepare and have printed blank licenses of each class provided for in this Act. It shall be the duty of said Treasurer to preserve in his office a complete record of each application for a license, the proceedings had thereon, and final disposition thereof, and a complete record of each license issued.

SECTION 4. The Treasurer of the Territory is hereby directed to prepare and procure to be printed suitable adhesive seals, which shall be numbered consecutively and sold for one (1) cent each, and which shall be used only to seal original containers of intoxicating liquor authorized to be sold under the provisions of this Act by licensees of the fifth class, which seals, after being so once used, shall be duly cancelled. Sales of such seals shall be made only to holders of licenses of the first, second, third or fourth class under this Act; or to foreign liquor dealers only upon the written order of licensees of the fifth class, which order shall specify the name and address of the vendor from whom such licensee desires to purchase, the kind of liquor, and the number and size of the containers ordered, and every such order shall be accompanied with the price of the seals so ordered. The Treasurer shall preserve a record in his office showing the numbers on the seals furnished on each order. When an order is given by a licensee of the fifth class, the Treasurer shall furnish the seals desired direct to the proposed vendor. Said Treasurer may, in his discretion, authorize any Sheriff in the Territory to sell such seals, and may furnish him therewith, requiring a detailed report monthly of all sales made. Said Treasurer shall prescribe such rules and regulations respecting the method of cancellation of such seals as may be necessary.

## APPLICATIONS FOR LICENSES.

SECTION 5. Applications for licenses shall be made in writing, and verified by oath, to the Treasurer of the Territory, stating the name, age and residence of the applicant; if a co-partnership, the name, age and residence of each member thereof; and if a corporation, the date and place of its incorporation; a description in detail of the premises where the applicant proposes to do business; and the class of license applied for. Application for renewal of any license shall be made under oath in such form as said Treasurer may require, and at least thirty days before the expiration of the license held. If any false statement is made in any application for a license or for a renewal thereof, the applicant shall be deemed guilty of perjury, and shall be subject to the penalties prescribed by law for such offense.

SECTION 6. Licenses of the fifth class shall not be issued within the following districts:

- (1) The District of Kona, Island of Oahu;
- (2) Within a circle having its center on the United States Post Office in Hilo, Island of Hawaii, and having a radius of three miles;
- (3) Within a circle having its center on the United States Post Office at Wailuku, Island of Maui, and having a radius of two miles;
- (4) Within a circle having its center on the United States Post Office at Lahaina, Island of Maui, and having a radius of four miles;
- (5) Within a circle having its center on the United States Post Office at Paia, Island of Maui, and having a radius of two miles.

SECTION 7. No license shall be issued to any person less than twenty-one years of age; nor to a person whose license has

been revoked under this Act; nor to a person who has been convicted of violating any of the provisions of this Act, or against whom a civil judgment has been rendered under this Act; nor to a person conducting a house of ill-fame, or a gambling place of any kind, or a house or place reputed to be either; nor to a person who has twice been found guilty of drunkenness in any court by any District Magistrate in this Territory; nor to any person who fails to furnish a bond satisfactory to the Treasurer of the Territory, as hereinafter provided; nor to any person who has been convicted of a felony, of gambling or of gross cheat, or to a person who knowingly has in his employ a person who has been so convicted; nor shall a license be issued for any building or premises within one hundred and fifty feet of a building occupied exclusively as a place of religious worship or a school house, the measurements to be made in a straight line from the center of the nearest entrance of the buildings used for such place of religious worship or school to the center of the nearest entrance of the place in which such liquor traffic is desired to be carried on; provided, however, that this latter prohibition shall not apply to a place which on the 15th day of April, 1905, was lawfully occupied as a hotel, nor to a place in which traffic in liquor was lawfully carried on at said date; nor shall any license be issued to any person against the written protest of a majority of the registered voters for the precinct within which such person proposes to establish his business; nor shall a license be issued for any premises without the written consent of a majority of the property holders within a distance of 1,000 feet measured in a straight line from the nearest point of the premises for which the license is asked to the nearest point of each of the surrounding properties, which consent shall be acknowledged as are deeds when entitled to record and filed with the application; provided, however, that such consent shall not be required as to places which on the 15th day of April, 1905, were lawfully occupied as an hotel; nor places where on said date the traffic in liquors was being lawfully carried on. Whenever the consent required by this Section shall have been ob-

tained and filed as herein provided, unless the same shall be given for a limited term, no further or other consent for trafficking in liquor on such premises shall be required so long as such premises shall be continuously occupied for such traffic. Provided, however, that no such consent shall be required for a place within a distance of one-half mile from any first class or second class Post Office in this Territory.

And provided further, that within such half mile limit, no license shall be issued for any premises without the written consent of a majority of the property holders or occupants within a distance of one hundred and fifty feet, measured in a straight line, from the nearest point of the premises for which the license is asked, to the nearest point of each of the surrounding properties, which consent shall be acknowledged as are deeds that are entitled to record, and filed with the application; but such consent shall not be required as to places which on the 15th day of April, 1905, were lawfully occupied as hotels, nor to places where on said date traffic in liquors was being lawfully carried on.

SECTION 7-A. Any applicant to whom a license is refused, may within fifteen days after such refusal, file with the Treasurer an application for arbitration of the question, naming in such application one arbitrator. It shall thereupon be the duty of the Treasurer to name some person as a second arbitrator. The two arbitrators thus named shall select a third, and the three so selected shall thereupon fully consider the application for a license and the refusal thereof, and shall decide whether or not such license shall issue. The decision reached by such board of arbitration shall be final, and not subject to review in any manner. If the decision rendered shall be in favor of the issuance of such license, it shall thereupon be the duty of the Treasurer forthwith to issue the same. If the Treasurer shall fail to name a second arbitrator within fifteen days after the application for arbitration is filed with him, his refusal of the license shall thereby become void, and it shall thereupon be his

duty forthwith to issue such license; and if the applicant to whom a license has been refused, shall fail within fifteen days after such refusal to file an application for arbitration, naming his arbitrator, he shall be held to have waived his right to such arbitration and shall not be allowed thereafter to so submit the question to such board of arbitration. Nothing in this Section contained shall, however, be held to empower any such board of arbitration to disregard or overrule any of the specific restrictions or conditions as to the issuance of licenses in this Act contained. No review of the decision of said Treasurer as to the issuance of a license shall be had in any manner or before any tribunal other than as provided in this Section.

SECTION 8. All applications for licenses of the third and fourth class shall be accompanied by a bond signed by the applicant and by not less than two good and sufficient sureties, to be approved by the Treasurer of the Territory, which bond shall go into effect upon the issuance of the license, and shall be in the following form:

KNOW ALL MEN BY THESE PRESENTS: That we, A. B., of ....., as principal, and C. D., of ....., and E. F., of ....., as sureties, are held and firmly bound to the Territory of Hawaii in the sum of One Thousand Dollars (\$1,000.00) for the payment of which well and truly to be made to the said Territory, we bind ourselves, and our heirs, executors and administrators (or successors), jointly and severally by these presents.

Signed at ..... this ..... day of ....., 19....

THE CONDITION of this obligation is such, that whereas a license of the ..... class for the sale of intoxicating liquor at ....., has this day been applied for by the above bounden A. B.;

NOW, THEREFORE, if such license shall issue, and during the continuance of the same the said A. B. shall well and truly

comply with all conditions and restrictions of such license, and all provisions of law regarding the sale of intoxicating liquor, then this obligation shall be void; otherwise upon revocation of such license, the said sum of One Thousand Dollars (\$1,000.00) shall be forfeited, shall be forthwith payable to the said Territory without proof of any special damage whatsoever, and may be recovered before any court having jurisdiction without the intervention of a jury.

SECTION 9. All applications for licenses of the fifth class shall be accompanied by a bond signed by the applicant and by not less than two good and sufficient sureties, to be approved by the Treasurer of the Territory, which bond shall go into effect upon the issuance of the license, and shall be in the form prescribed in Section 8 of this Act, with the exception that the amount thereof shall be Two Hundred and Fifty Dollars (\$250.00).

SECTION 10. All applications for licenses of the first class shall be accompanied by a bond signed by the applicant and by not less than two good and sufficient sureties, to be approved by the Treasurer of the Territory, which bond shall go into effect upon the issuance of the license, and shall be for the amount and in the form prescribed in Section 8 of this Act, except that the words "manufacture and sale" shall be substituted for the word "sale" wherever said word "sale" is used in said bond. No bond shall be required of applicants for licenses of the second class.

SECTION 11. No person shall be surety of any bond required by this Act unless he is a citizen of the Territory of Hawaii and a resident and freeholder in the district wherein his principal proposes to do business; provided, however, that corporations organized for the purpose of becoming sureties on bonds, authorized under the laws of the United States to act as such sureties, and doing business in this Territory under the provisions of the laws of the United States and of the Territory



of Hawaii, may be accepted by the Treasurer of the Territory as sureties upon bonds required by this Act, in lieu of the two personal sureties whenever said Treasurer is satisfied that the rights of all parties in interest will be fully protected thereby. Said Treasurer may require disclosure on oath and in detail of the property of any surety in order to determine whether or not such surety is responsible for the amount of the bond.

#### CONDITIONS OF LICENSES.

SECTION 12. Licenses shall be subject to the following conditions and provisions:

(1) That the license is issued and accepted subject to all the provisions of this Act in regard to revocation;

(2) That no intoxicating liquor shall be sold or furnished under any license otherwise than as provided for the class to which such license belongs;

(3) That the license shall at all times be displayed in a conspicuous place on the premises described therein;

(4) That no licensee of the first, second, fourth or fifth class, except such as conduct an hotel business on the same premises, shall employ a minor in or about the room or rooms where intoxicating liquors are manufactured or furnished; nor shall any licensee employ in or about said room or rooms any person whose license has been revoked under this Act, or who, within two years, has been refused a license under this Act, or any person who has been convicted of any offense under any law of the Territory regulating the sale or manufacture of intoxicating liquor, or who has been convicted of a felony, gambling or gross cheat;

(5) That no intoxicating liquor shall be sold or furnished to any minor, or insane person, or any person twice found guilty of drunkenness in any court or before any District Magistrate, or to any person whose husband, wife, daughter, son, brother,

sister, parent, guardian or employer has given notice as hereinafter provided, forbidding the sale to such person;

(6) That no minor shall be permitted to loiter in or about any licensed premises, and that no gambling shall be permitted on such premises;

(7) That no liquor shall be sold or furnished between the hours of eleven-thirty o'clock at night and six o'clock in the morning, nor on a Sunday, nor on any day when a public election is held, except by an hotel or restaurant keeper licensed under this Act, to guests who have resorted to his hotel or restaurant for lodging or food, and then only with meals at the public table;

(8) That no prostitutes, or drunken or disorderly persons shall be permitted to loiter or remain in or about any licensed premises;

(9) That no licensee of the first, second, third or fourth class shall sell or cause to be sold to licensees of the fifth class any intoxicating liquors, except spirituous liquor bottled in bond under the provisions of the laws of the United States, unless the original containers of such liquor shall be sealed with the adhesive seals provided for in Section 4 of this Act, in such manner that such seal must be broken in opening such original containers;

(10) That licensees of the first, second, third and fourth class shall keep a true record of all sales made to licensees of the fifth class, which record shall show the name and address of such vendee, the kinds of liquor furnished, the number and size of the containers in which such liquor is put up, and, unless the sale is of liquor bottled in bond under the provisions of the laws of the United States, the numbers on the adhesive seals prescribed in Section 4 of this Act and used to seal such containers; such records shall be open to inspection at any time by the Treasurer of the Territory, or his agent authorized therefor in writing;

(11) That no licensee of the fifth class shall purchase or sell any intoxicating liquor; except spirituous liquor bottled in bond under the provisions of the laws of the United States, unless the original containers of such liquors are sealed with the adhesive seals provided for in Section 4 of this Act in such manner that such seal must be broken in opening such container;

(12) That the licensed premises shall at all times be open to the inspection of officers of the police force.

#### FORFEITURE, REVOCATION AND TRANSFER OF LICENSES.

SECTION 13. A license may be revoked by the Treasurer of the Territory upon conviction of any licensee of a violation of any of the provisions of this Act, and it shall be revoked for any of the following causes: Death, bankruptcy of the licensee, or his making of an assignment for the benefit of creditors; if held by a partnership, the admission of any new member therein. Upon revocation of any license for any cause except death, bankruptcy, or the making of an assignment for the benefit of creditors, the bond filed with the application for such license shall thereupon be forfeited, and suit shall be at once begun by said Treasurer, in the name of the Territory of Hawaii, to collect the same.

SECTION 14. If a licensee becomes bankrupt, makes an assignment for the benefit of his creditors, or dies before the expiration of the term of his license, the Treasurer of the Territory shall refund to the Trustee in bankruptcy, assignee, executor or administrator, respectively, of such licensee such part of the license fee as is proportionate to the unexpired term of the license; and if the premises covered by any license are sold under foreclosure proceedings, civil execution or other judicial sale, said Treasurer shall likewise refund such proportionate part of the fee paid to such licensee, unless permission is obtained by said licensee to continue his business under said license at some other place.

SECTION 15. If a licensee becomes bankrupt or dies before the expiration of the term of his license, his trustee, assignee, executor or administrator may lawfully sell the intoxicating liquor which thereby comes into his possession as such representative, to persons out of the Territory or to a licensee under this Act. In case a license is revoked under the provisions of this Act, the licensee may sell the liquors in his possession at such time to persons out of the Territory or to other licensees. In case liquor is taken from a licensee under foreclosure proceedings, or by a civil execution or other judicial process, the mortgagee, Sheriff or Deputy Sheriff, commissioner or other officer appointed for such purpose by any court or magistrate may sell such liquor to persons out of the Territory or other licensees. Provided, however, that such sale shall be accompanied by immediate and actual delivery, and shall be made within sixty days after the legal qualifications of such representative, or after such revocation, or after such liquor is taken from such licensee, respectively.

SECTION 16. All refunds of license fees provided for in this Act shall be paid by the Treasurer of the Territory out of the next fees for licenses under this Act received by him, and shall be paid only on the written approval of the Auditor.

SECTION 17. No license issued under this Act shall be transferable, nor shall any license authorize the holder to conduct such business at any place other than that specified in the license; provided, however, that any licensee may on the written approval of the Treasurer and Governor of the Territory, transfer his license from the premises for which such license was granted to some other premises; but in no such case shall such licensee carry on business at more than one place at the same time.

#### VIOLATIONS AND PROSECUTIONS.

SECTION 18. It shall be lawful for any officer of the police force of the Territory to enter upon any licensed premises at

any time to ascertain whether or not all conditions of such license and all provisions of this Act are being complied with.

And whenever any such officer, or any person called by him to his aid, is hindered, obstructed or prevented by any licensee or his employees from entering into any such premises; or whenever any such officer is by any licensee or his employees prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under this Act in any respect, such licensee shall, on conviction thereof, be fined in a sum not to exceed One Thousand Dollars (\$1,000.00).

And whenever any such officer, having demanded admittance into any licensed premises, and declared his name and office, is not admitted by the licensee or the person in charge of such premises, it shall be lawful for such officer at all times to break open by force any of the doors, or windows, or to break through any of the fences or walls on such premises necessary to be broken open or through to enable him to enter such premises; and such licensee shall, upon conviction thereof, be fined in a sum not to exceed One Thousand Dollars (\$1,000.00).

SECTION 19. Any police officer who observes any violations of any of the provisions of this Act by any licensee hereunder, shall forthwith arrest such licensee without warrant; and any citizen who observes any such violation shall forthwith report the same to the police, whose duty it shall thereupon be to prosecute for such offense.

#### ILLICIT SALES OF LIQUOR.

SECTION 20. It shall be the duty of any citizen to make complaint to the police officers of any unlawful furnishing, selling, or keeping for sale of intoxicating liquor, and to furnish all possible evidence thereof; and it shall be the duty of such police officers thereupon to prosecute for such offense.

SECTION 21. The receipt for, or record of, the payment of the United States Special Tax as a liquor seller, or certified or

examined copies thereof, shall be competent evidence that the person named therein keeps for sale and sells intoxicating liquor.

SECTION 22. Proof of the delivery of any intoxicating liquor, either by the owner or occupant, or by his or her servant or employee, or by any other person in the house or place, shall be sufficient prima facie evidence of money or other consideration being given for such intoxicating liquor to support a conviction against the party so delivering.

SECTION 23. In all prosecutions against any person for selling, furnishing or keeping for sale any intoxicating liquor, without a license, such person shall be deemed to be unlicensed unless at the hearing of the case he can produce his license.

SECTION 24. If any person makes complaint, supported by oath or affirmation, before any District Magistrate, setting forth facts sufficient to show probable cause that intoxicating liquor is kept or deposited for sale or distribution contrary to law in any dwelling house, store, shop, steamer or vessel engaged in the carrying trade between any ports of this Territory, depot, railway car or land carriage, of any description, warehouse or any other building, or in any other place in the district within which such Magistrate resides, such Magistrate shall issue a warrant, directed to a member of the police force, commanding him to search the premises or place described in such complaint, and if intoxicating liquor is found therein under circumstances warranting the belief that it is intended for sale or distribution contrary to law, the officer acting under such warrant shall seize and convey such liquor to some place of security and keep it until final action is had thereon.

SECTION 25. Any police officer who has information which causes him to believe that intoxicating liquor is kept or deposited in any place described or designated in the preceding section, except a dwelling house, or is kept or concealed in any conveyance, baggage or clothing being conveyed along the highway,

for sale or distribution contrary to law, shall search such suspected place without warrant; and if such officer finds upon the premises intoxicating liquor, he shall seize and convey the same to some place of security, and keep it until final action is had thereon. Such officer shall forthwith after such seizure make written complaint under oath, setting forth such facts before the District Magistrate for the district within which such seizure was made; provided, however, that no search without warrant shall be made unless the delay necessitated by the procurement of such warrant would result in loss, destruction or concealment of the evidence of such violation.

SECTION 26. The owner, keeper and all persons having the custody of liquors seized as provided for in Sections 23 and 24 of this Act shall be forthwith arrested and brought before the District Magistrate of the district wherein such arrest is made; and if upon hearing duly had before such Magistrate, it shall appear that such liquor seized as aforesaid was intended for sale contrary to law, such liquor and the casks or vessels in which it is contained shall be adjudged forfeited and condemned, and shall be destroyed under written order of such Magistrate and in his presence, or in the presence of some person appointed by him and named in said order for that purpose, who shall join with the officer executing said order in certifying upon the back thereof the execution of the same. If the owner or keeper of such liquor seized as aforesaid is unknown to the officers making such seizure, or if no person is found in possession or custody of the same, the officer shall arrest and bring before said Magistrate the owner or occupant of the building, place or premises, or driver, or person in charge of the conveyance in which such liquor is found, if such person is known or can be ascertained. Upon condemnation of such liquor, any and all persons arrested under this Section, if in the judgment of said District Magistrate any of them, by themselves or by employees or agents, have engaged in, aided, assisted or abetted the obtaining, keeping or sale of such liquor contrary to law, or have been

privity thereto, or have knowingly permitted the use of such place, building, premises or conveyance for such unlawful keeping or sale, shall be punished as hereinafter provided.

SECTION 27. When the owner, keeper or possessor of intoxicating liquor seized under the provisions of this Act appears and makes claim to the same, he shall file with the District Magistrate before whom the proceedings are pending, his claim in writing, setting forth his interest in the liquor, and the reason why it should not be adjudged forfeited; he shall also give bond to the Territory, with sureties, sufficient in the opinion of the sheriff or deputy sheriff of the district, and in such sum as he shall order, conditioned that such claim will be diligently prosecuted, and if decided against such claimant, that he will pay the costs awarded against him.

SECTION 28. If the judgment is against the claimant, the liquor and casks or vessels containing the same shall be adjudged forfeited, and destroyed, as provided in this Act, and judgment shall be rendered against such claimant for all costs of prosecution incurred after the filing of his claim.

SECTION 29. No appeal shall be allowed to any claimant of liquors seized as provided in this Act, from the judgment of the District Magistrate until he gives bonds to the Territory with sureties sufficient in the opinion of such Magistrate, and in such sum as he shall order, conditioned that such claimant will diligently prosecute his appeal, and will pay any costs which may be awarded against him.

SECTION 30. If the claimant fails to appear and prosecute diligently his appeal, or if he fails to secure a reversal of the judgment in the Appellate Court, such court shall order the liquor seized to be disposed of in the same manner as is herein provided for a District Magistrate.

SECTION 31. If liquor seized under the provisions of this Act as intoxicating is made the subject of a writ of replevin,



such liquor shall not be delivered to the claimant, but shall be held by the officer having it in custody until the final determination of the suit, whereupon it shall be delivered to the party in whose favor judgment is rendered, or to the officer having authority to destroy the same under the original seizure proceedings; no proceedings except final execution, on seizure of intoxicating liquors shall be delayed by proceedings in replevin thereof, but shall proceed to final judgment as if replevin had not been begun.

SECTION 32. Any liquor found in the possession of licensees of the fifth class, the containers of which are not sealed as provided by the conditions of such license, unless such liquor has been bottled in bond under the provisions of the laws of the United States, or the seals of which have been broken, or which are sealed with seals the numbers of which are not the numbers on the seals sold or furnished for such licensee, or on which the stamps are not cancelled as provided by law, shall be subject to seizure, condemnation and destruction, in the same manner and to the same extent as liquor found in the possession of persons not licensed; and all proceedings on such seizures shall be the same as those provided for against unlicensed persons.

#### ADULTERATIONS.

SECTION 33. If a person who has reason to believe that a licensee is selling intoxicating liquor that is adulterated, calls the attention of the Treasurer of the Territory thereto, said Treasurer shall authorize in writing some person to secure from such licensee a sample or samples of liquor for analysis; and said Treasurer may at any time procure or cause to be procured samples of liquor for analysis.

SECTION 34. The person so authorized shall procure samples from such licensee, to whom, after receiving such samples, he shall deliver a copy of the written order to procure such samples; and the vessel or vessels containing the same shall be sealed before being taken from the premises of such licensee.

SECTION 35. The samples so obtained shall be immediately delivered to said Treasurer, who shall send them to the Food Commissioner and Analyst, who shall make an analysis of such liquors, and shall send a certified report of such analysis to said Treasurer.

SECTION 36. If the samples analysed be found free from adulteration prohibited in the pharmacopoeia of the United States, the certificate referred to in the preceding Section shall so state, and the Treasurer shall pay the licensee for the sample obtained upon presentation by him of the copy of the written order upon which they were obtained; and if so requested by the licensee, shall furnish him a copy of the report of the analysis.

SECTION 37. If the certificate of analysis shows the samples to contain liquor that is adulterated, the Treasurer shall cause such licensee to be prosecuted for selling, offering for sale or furnishing adulterated liquor, and upon conviction thereof such licensee shall be fined in a sum not to exceed Six Hundred Dollars (\$600.00), and his license may be revoked and bond forfeited.

#### PENALTIES.

SECTION 38. Any person who tampers with the samples of liquor taken for analysis under the provisions of this Act shall on conviction thereof be fined not less than Two Hundred Dollars (\$200.00) nor more than Six Hundred Dollars (\$600.00), or be imprisoned not less than six nor more than twelve months.

SECTION 39. Any licensee who refuses to deliver samples of liquor for analysis upon production of the written authorization or order of the Treasurer of the Territory and delivery of a copy as hereinabove provided, shall on conviction thereof, be fined not less than Two Hundred Dollars (\$200.00) nor more than Six Hundred Dollars (\$600.00).

SECTION 40. Any licensee who violates any condition of his license or any provision of this Act for which a specific penalty is not provided in this Act, shall upon conviction thereof be fined in a sum not more than One Thousand Dollars (\$1,000.00).

SECTION 41. Any person, other than a licensee, his agent or employee, who shall manufacture, sell, dispose of, furnish or keep for sale intoxicating liquor of any kind, or shall cause to be sold, disposed of, furnished or kept for sale any such liquors by any person engaged or hired for such purpose, or any licensee, by himself or by an agent or employee, who shall manufacture, sell, dispose of, furnish or keep for sale, or cause to be sold, disposed of, furnished or kept for sale, any such liquors after revocation of his license, save as hereinabove provided, shall on conviction thereof be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or be imprisoned for not more than twelve months, or both.

SECTION 42. A minor who falsely represents his age for the purpose of procuring intoxicating liquor, shall on conviction thereof be fined not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00) or be imprisoned not more than thirty days, or both.

SECTION 43. A licensee of the fourth or fifth class who purchases or receives from a person any wearing apparel, tools, implements of trade or husbandry, household goods, furniture or provisions, either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is intoxicating liquor or the price thereof, or receives from a person any such article in pawn for intoxicating liquor or the price thereof, shall on conviction thereof be fined not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), or be imprisoned not less than three months nor more than twelve months, or both.

SECTION 44. Any person who purchases intoxicating liquor from any unlicensed person, or from a licensee contrary to the conditions of his license or the provisions of this Act, shall on conviction thereof be fined not more than One Thousand Dollars (\$1,000.00).

SECTION 45. Any person other than a licensee who violates any of the provisions of this Act for which a penalty is not otherwise prescribed, shall on conviction thereof be fined not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00), or be imprisoned not less than one month nor more than three months, or both.

SECTION 46. Any person who uses the adhesive seals provided for in Section 4 of this Act in any manner so as to violate or tend to violate the provisions of this Act, or any person who shall counterfeit, alter, or re-use after cancellation such stamps, or procure the same to be done, or who makes or procures to be made any fraudulent use of such stamps, or any use thereof the effect of which shall be to defeat the purposes for which such seals are issued, shall on conviction thereof be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or be imprisoned not less than three months nor more than twelve months, or both; and if a licensee under this Act, his license shall be revoked and bond forfeited.

SECTION 47. Any person who sells, disposes of, furnishes or keeps for sale any intoxicating liquor in any container sealed as provided in this Act, stamped under the provisions of any law of the United States or marked with any trade mark or brand, which liquor is not that originally put up in such container, without destroying such seal, stamp, trade mark, or brand, shall on conviction thereof be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned for not more than twelve months, or both.

SECTION 48. It shall be unlawful for any person to whom any intoxicating liquor has been consigned, whether consigned to him in his own or in a fictitious name, to give to any other person an order upon any common carrier or any officer, agent or employee of such common carrier, so as to enable such other person to procure or receive such liquor for himself or for any person other than the consignee; and any person violating the provisions of this Section shall on conviction thereof be fined in a sum not to exceed One Thousand Dollars (\$1,000.00) or be imprisoned for not more than three months, or both.

SECTION 49. A husband, wife, child, parent, guardian, employer or other person who is injured in person, property or means of support by an intoxicated person or in consequence of the intoxication of any person, shall have the right of action in his or her own name, jointly or severally, against any person or persons who by selling or furnishing intoxicating liquor have caused, in whole or in part, such intoxication. A married woman may bring such action in her own name, and all damages recovered by her shall inure to her separate use; and all damages recovered by a minor shall be paid either to such minor or to some person in trust for him, and on such terms as the court may direct. Upon the death of any party to such suit, the action and right of action shall survive to and against his executor or administrator. The party injured, or his or her legal representatives, may bring either a joint action against the person intoxicated and the person or persons who furnished the liquor and the owner of the building as hereinabove stated, or a separate action against either or any of them.

If a judgment recovered under this Section against any licensee remains unsatisfied for thirty days after its entry, the license of such judgment debtor shall be revoked.

SECTION 50. It shall be the duty of every judge and district magistrate before whom a person is found guilty of being intoxicated, to immediately notify the Treasurer of the Terri-

tory in writing of the names and residences of the persons so found guilty, and it shall thereupon be the duty of said Treasurer to likewise notify all licensees.

SECTION 51. Any husband, wife, daughter, son, brother, sister, parent, guardian or employer of any person who is an habitual drunkard, and who by excessive use of intoxicating liquor injures his or her health, or endangers or interrupts the peace or happiness of his or her family, or becomes a public nuisance, may give written notice to any licensee not to sell or furnish any intoxicating liquor to such habitual drunkard, and thereafter any licensee who sells, gives or in any manner furnishes any intoxicating liquor to such habitual drunkard, shall upon conviction thereof be held liable to the penalties herein above described.

SECTION 52. No recovery shall be had in any civil action brought by the holder of any fourth or fifth class license to recover the purchase price of any intoxicating liquor sold and consumed on the premises, on credit.

#### GENERAL PROVISIONS.

SECTION 53. Any person who shall have been twice found guilty of drunkenness by any judge or district magistrate shall for the purpose of this Act be deemed an habitual drunkard.

SECTION 54. When a minor, habitual drunkard, or any person to whom it is unlawful to sell or furnish intoxicating liquor, is convicted of the offense of being found intoxicated, he shall be detained by the judge or district magistrate before whom he has been convicted, and shall upon oath before such judge or district magistrate, at the time of such conviction or as soon thereafter as is possible, disclose the places where and the person or persons of whom the liquor producing such intoxication was obtained, and the circumstances attending it, and if he does not so disclose when required to do so, he shall be im-

prisoned until he does disclose, or until discharged by the judge or magistrate on motion of or with the consent of the sheriff or deputy sheriff of the district.

SECTION 55. Under any complaint provided for in this Act, every distinct act constituting a violation of any provision of this Act may be proved, and the person so found guilty shall be punished for each offense as herein provided.

SECTION 56. In prosecutions for offenses against any of the provisions of this Act, if a specification is required, it shall be sufficient to specify the offense with such certainty as to time and person as the prosecutor is able to give, and the same may be amended on trial; when the specifications set forth the sale or furnishing to any person or persons unknown, the witnesses may be enquired of as to such transactions, and if the name or names are disclosed, the specifications may be thereupon amended upon such terms as to postponement of trial as may be deemed reasonable by the court or magistrate before whom such trial is being had.

SECTION 57. All provisions of Chapter 103 of the Revised Laws of Hawaii, 1905, are hereby repealed, except as to the offenses committed, acts done in violation of, or rights accrued or established under the provisions of said Chapter, and causes either civil or criminal either pending at the time this Act goes into effect, or subsequently brought to enforce any of the provisions of said Chapter; and as to every such offense, act and right, and actions to enforce the same, said Chapter above specified shall continue and remain in full force.

SECTION 58. Any holder of a license under the provisions of the Chapter referred to in the preceding section, may at his option surrender the same and thereupon be entitled to receive a license under this Act prescribed, in which event the un-

expired value of the license held shall be credited upon the fee for the new license taken out.

SECTION 59. This Act shall take effect on the first day of July, 1905.

Approved this 26th day of April, 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 68.

### AN ACT

DEFINING FIDUCIARY COMPANIES, AND REGULATING THE SAME  
BY REQUIRING FINANCIAL STATEMENTS THEREFROM.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The words "fiduciary company" as used in this Act shall be construed to mean and include every bank, other than a National Bank; every trust or fiduciary company; every mortgage, loan, building, investment, realty and maturity company; every burial association; every mutual benefit society; and every company carrying on a financial or fiduciary business in the Territory of Hawaii, whether it be a local or a foreign corporation, or a co-partnership or any unincorporated company, irrespective of the name by which such company is designated.

SECTION 2. Every such fiduciary company shall make to the Treasurer of the Territory two reports during each year, to-wit: as of June 30th. and December 31st; such reports shall be made within thirty days after said dates, and shall show in



such form, under such heads and in such detail as said Treasurer shall prescribe, the resources and liabilities of such fiduciary companies at the close of business on said dates, the receipts and expenditures and a computation of the loss or gain of such companies during the six months next preceding the date as of which such reports are made; and each of such reports shall be verified by the oath of the cashier, treasurer or manager of the company making the same.

SECTION 3. The Treasurer of the Territory may at any time and in his discretion make or cause to be made by some competent person deputed by him therefor, an examination into the affairs and condition of any such fiduciary company, and for such purpose, he or such deputy, shall have free access to the vaults, books and property of such companies at any time during business hours. Said Treasurer shall make or cause to be made as above specified such an examination whenever requested in writing so to do by six members, stock or shareholders in, subscribers to or depositors with any of such companies, but in such cases the applicants for such examination shall deposit with said Treasurer at the time their request is presented a sufficient sum of money to cover the cost of such examination.

SECTION 4. Every such fiduciary company, whenever notified in writing by the Treasurer of the Territory so to do, shall publish in the English language within seven days after such notification, any report of its affairs made under the requirements of Section 2 of this Act, in some newspaper suitable for the publication of legal notices, and published in the island where such company has its principal place of business; or if there is no such newspaper published in such island, then in some newspaper published in Honolulu.

SECTION 5. Any fiduciary company, and any executive or managing officer thereof, neglecting or refusing to carry out or comply with any of the provisions of this Act, shall be notified in writing by the Treasurer of such neglect or refusal; and if

such neglect or refusal shall continue for seven days after such notification, said company and said officers shall on conviction thereof be fined in a sum not exceeding One Thousand (\$1,000.00) Dollars; and every day's neglect or refusal after the expiration of seven days as aforesaid shall be a separate offense.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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**ACT 69.** *Sec L. 1907, p. 97. License fee*

AN ACT

TO REGULATE TRUST COMPANIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The term "Trust Company" as used in this Act, means any corporation or joint stock company organized, or which may hereafter be organized under the general laws of the Territory of Hawaii, which has obtained from the Treasurer of the Territory a certificate that it is qualified to act as a Trust Company under Section 2 of this Act.

SECTION 2. No corporation or joint stock company shall do business as a Trust Company, except on the following conditions:

(a) Its corporate name shall contain the word "Trust"

(b) It shall be organized for the purpose of doing business as a Trust Company, and such object shall be expressed in its charter or articles of association.

(c) Its capital stock shall be at least one hundred thousand dollars, fully subscribed, with at least fifty thousand dollars paid in.

(d) Its paid in capital shall be represented by cash or by securities of a market value equal to the amount at which such securities are entered as an asset on the books of the company.

The Treasurer of the Territory shall upon any corporation or joint stock company complying with the requirements of this section, grant it a certificate that it is qualified to act as a Trust Company.

SECTION 3. No corporation or joint stock company, except Trust Companies doing business under the provisions of this Act, shall act as executor, administrator, guardian, assignee or receiver, or shall engage in the business of acting as trustee for the management and investment of funds of other persons, or shall continue to do business with the word "Trust" or "Trustee" in its corporate name, under penalty of ten dollars for every day that it shall so act or engage in business, which penalty may be recovered by the Treasurer of the Territory in a civil action before any Court of competent jurisdiction.

SECTION 4. Every Trust Company shall have power, in addition to the general powers conferred by law upon corporations and joint stock companies: (1) To take, receive and hold, and repay, reconvey and dispose of any effects and property, both real and personal, which may be granted, devised, bequeathed, committed, transferred or conveyed to it, upon any trust or trusts whatsoever, at any time or times by any person or persons, including married women and minors, body or bodies corporate, or by any State, Territorial, Federal or Foreign Court or Judge, and to administer, fulfill and discharge the duties of such trust or trusts for such remuneration as may be agreed upon or provided by law, or that may be provided by law; (2) To act generally as agents or attorneys in the transaction of business or management of estates, the collection of rents, interest,

dividends, mortgages, bonds, bills, notes and securities for money; (3) To act as agent for the purpose of buying, selling, issuing, negotiating, registering, transferring or countersigning the certificates of stock, bonds or other obligations of any corporation, association or municipality, and to manage any sinking fund therefor, on such terms as may be agreed upon; (4) To accept and to execute the offices of executor, administrator, trustee, receiver, assignee or guardian, whether by appointment by will, by a Court or Judge, or otherwise; (5) To loan money upon real estate and collateral security, and to execute and issue its notes and debentures, payable at a future date, and to pledge its mortgages on real estate and other securities as security therefor; (6) To take and receive from any individual or corporation, on deposit for safe keeping and storage, gold and silver plate, jewelry, money, stocks, securities and other valuables and personal property; (7) To rent out the use of safes or other receptacles upon such terms and for such compensation as may be agreed upon; (8) To lease, purchase, hold and convey all such personal estate as may be necessary to carry on its business or that it may be necessary to acquire in the enforcement or settlement of any claims or demands arising out of its business transactions; (9) To execute and issue in the transaction of its business all necessary receipts, certificates, papers and contracts, which shall be signed by such person or persons as may be designated in the by-laws; (10) To lease, purchase, hold and convey real estate as its corporate property; (11) To purchase, hold and sell the stocks and bonds of other corporations; (12) To act as agents of insurance companies and surety companies; (13) To do a general trust and security business; and (14) To transact as agents any other business or undertaking, trust, mercantile or otherwise which may be necessary, useful or convenient to the main purpose of the corporation. Nothing herein contained shall be construed as giving the right to issue bills to circulate as money or to discount commercial paper, or to do a general banking business, or to do a savings bank business.

SECTION 5. Any Circuit Judge shall have power to require of any Trust Company which has been appointed in any fiduciary capacity, by any Court or Judge of the Territory of Hawaii, a continuing bond in such amount, not exceeding fifty thousand dollars, as such Judge may direct, conditioned for the faithful performance of all duties arising from any such fiduciary appointment made or to be made by any Territorial Court or Judge, and no other or further bond shall be required upon any such appointment, unless the value of a single estate is more than fifty thousand dollars under its management.

SECTION 6. All investments of money received by any Trust Company upon trust account, or in any fiduciary capacity, shall be at its sole risk, and for all losses of such money the capital stock, property and effects of the corporation shall be absolutely liable, unless the investments are such as the Courts recognize as proper when made by an individual acting as trustee or in like fiduciary capacity; or are such as are permitted in and by the instrument or words creating or defining the trust.

SECTION 7. Every Trust Company, before it commences business, and during the months of January and July in every year, shall make a statement as of January 1st and July 1st of said year, in the form prescribed by the schedule annexed to this Act, or as near thereto as circumstances will admit, which statement shall be verified by the oath of the President, Treasurer, Secretary or Cashier. A copy of such statement shall be put up in some conspicuous place in the principal office, and shall be published by said company in some newspaper of general circulation, as may be approved by the Treasurer, at least once a week for three weeks, beginning in said month of January and July. If the company shall make default in compliance with any of the provisions of this section it shall be liable to penalty of ten dollars for every day of default, which may be recovered by the Treasurer of the Territory in a civil action before any Court of competent jurisdiction.

SECTION 8. Every Trust Company shall be subject to such supervision by the Treasurer of the Territory or Auditor of the Territory as is or may be from time to time prescribed by law in the case of banking companies.

SECTION 9. On becoming satisfied that any Trust Company has become insolvent, or that its capital has become impaired, or that it has violated the provisions of this Act, or that any execution issued against said company has been returned unsatisfied in whole or in part, the Treasurer of the Territory shall forthwith apply to a Court of competent jurisdiction for the winding up of such company, and such Court, upon proof that such company is liable to winding up under the provisions of this section, shall appoint a receiver for such company, who, under the direction of such Court, shall take possession of the books, records and assets of every description of such company, collect all debts, dues and claims belonging to it, sell or compound all bad or doubtful debts, and sell all the real and personal property of such company on such terms as the Court shall direct, and shall, if necessary to pay the debts of such company, enforce all individual liabilities of the stockholders, and in general exercise all the powers of a receiver according to law.

SECTION 10. Upon such winding up, the assets of the company shall be used in the following manner, that is to say:

1st. To the cost and expense of such winding up, including the receiver's compensation.

2nd. To the payment of all obligations incurred by such corporation by reason of acting in a fiduciary capacity by appointment of any Court.

3rd. To the payment of all other fiduciary obligations of said corporation, including moneys received on trust account and obligations incurred while acting in a fiduciary capacity by appointment of individuals under wills, trust deeds, or otherwise.

4th. To the payment of bonds, debentures, or other secured debts of the corporation.

5th. To the payment of all other debts or obligations of the corporation.

6th. To the distribution among the stockholders, pro rata, of any remaining assets.

SECTION 11. This Act shall take effect sixty days after its passage.

### SCHEDULE.

#### ASSETS.

Cash on hand and in banks,  
 Bonds,  
 Stocks and other investments,  
 Mortgages, secured by real estate,  
 Loans, demand and time,  
 Furniture and fixtures,  
 Real estate,  
 Accrued estate,  
 Accrued interest, receivable,  
 Assets other than those specified above.  
 Total

#### LIABILITIES.

Capital,  
 Surplus,  
 Undivided profits,  
 Trust accounts,  
 Bills payable,  
 Accrued interest, payable,  
 Liabilities other than those specified above.  
 Total

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
 Governor of the Territory of Hawaii.

## ACT 70.

## AN ACT

TO AMEND SECTION 2361 OF THE REVISED LAWS OF HAWAII,  
RELATING TO ACKNOWLEDGMENTS AND PROOFS OF INSTRUMENTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2361 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 2361. To entitle any conveyance, or other instrument to be recorded, it shall be acknowledged by the party or parties executing the same, before the Registrar of Conveyances, or his deputy, or an agent to take acknowledgments, or before a Judge of a Court of Record or a Notary Public of this Territory or before a Judge of a Court of Record or Notary Public of any other Territory or any State or possession of the United States or the District of Columbia, or any foreign country, or before an ambassador, minister or consul of the United States, or a consular officer of the United States accredited to any foreign country. But if any party to an instrument executed within this Territory shall die, or depart from the Territory without having acknowledged his deed, or shall refuse to acknowledge it, the deed may be entered as of record on proof of its execution by a subscribing witness thereto before any Judge of a Court of Record of this Territory. If all the subscribing witnesses to such conveyance or other instrument shall be dead or out of the Territory, the same may be proved before any Court of Record in this Territory by proving the handwriting of the grantor and any subscribing witness.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.



## ACT 71.

## AN ACT

TO PROVIDE FOR THE PROTECTION OF FOREST LAND WITHIN  
THE TERRITORY FROM FIRE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

## FOREST FIRE SERVICE.

SECTION 1. It shall be the duty of the Board of Commissioners of Agriculture and Forestry to take measure for the prevention, control and extinguishment of forest fires within the Territory.

## CHIEF FIRE WARDEN.

SECTION 2. The Superintendent of Forestry shall be ex officio Chief Fire Warden. The Chief Fire Warden shall have charge of all the Fire Wardens of the Territory, and shall aid and direct them in their duties.

## DISTRICT FIRE WARDENS.

SECTION 3. The Board of Commissioners of Agriculture and Forestry shall appoint in such number and localities as it deems wise, persons to act as District Fire Wardens. They shall promptly report to the Chief Fire Warden all fires in their respective district and take immediate and active steps toward their extinguishment, assist in apprehending offenders against this Act, and give all possible assistance to the Chief Fire Warden. For all services in extinguishing fires and in apprehending offenders, payment shall be made by the Territory, at the rate of twenty-five cents per hour for the time actually employed, provided that payment for such services shall not in any case exceed one hundred Dollars to any one person for any one year.

POWERS OF FIRE WARDENS AND ASSISTANCE OF PERSONS IN  
FIGHTING FIRE.

SECTION 4. All Fire Wardens shall have authority to employ all able bodied male persons, between the ages of 16 and 50 years, in the district in which they act, for assistance in putting out fire.

Compensation for services in fighting fire shall be at such rate for the time actually employed as the District Fire Warden shall fix.

The Fire Warden in charge shall submit time record and bill of the men employed, to the Chief Fire Warden, who shall examine and, if he approves it, shall forward the bill at once to the Auditor.

The District Fire Wardens shall have power to incur expense for the transportation and other unavoidable expenses of fire fighters, and shall include the same, with necessary vouchers, in their accounts.

SETTING FIRES.

SECTION 5. Every person who wilfully, maliciously or negligently sets on fire or causes or procures to be set on fire any woods, brush, prairies, grass, grain or stubble on any lands not owned, leased or controlled by him; and every person who wilfully, maliciously or negligently allows a fire to escape from land owned, leased or controlled by him whereby any property of another is injured or destroyed; and every person who accidentally sets or causes to be set any fire on land not owned, leased or controlled by him, or sets or causes to be set any fire on land owned, leased or controlled by him, which spreads to the land of another, and allows said fire to escape from his control without using every effort to extinguish it, shall be deemed guilty of a misdemeanor and liable to a fine of not less than twenty-five dollars nor more than five thousand dollars. Setting such fires or causing or procuring them to be set or allow-

ing them to escape shall be prima facie proof of wilfulness, malice or negligence under this section; provided that nothing herein contained shall apply to a person who, in good faith, sets a back fire to check a fire already burning.

#### FIRES TO CLEAR LAND.

SECTION 6. In times and localities of particular fire danger, the Chief Fire Warden may cause a warning to be issued that during a specified time fires to clear land, including the burning of fallows, stumps, logs, brush, dry grass or fallen timber, shall not be started, unless the written permission of the District Fire Warden of the District in which the fire is set has been first obtained. Such fires shall not be started during a heavy wind or without sufficient help present to control the same, and the fire shall be watched by the person setting the same, or by competent agents of his, until put out.

SECTION 7. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 72.

### AN ACT

TO REPEAL SECTIONS 1058, 1059, 1061 AND 1062 OF THE REVISED LAWS OF HAWAII, RELATING TO MANUFACTURE OF POI.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 1058, 1059, 1061 and 1062 of the Revised Laws of Hawaii are hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 73.

### AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE  
EXPENSES OF THE SPECIAL ELECTION OF THE YEAR 1905,  
UNDER THE PROVISIONS OF THE COUNTY ACT, FROM THE  
PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There is hereby appropriated the sum of Ten Thousand Dollars (\$10,000.00) from the Public Treasury for the purpose of defraying the expenses of the Special Election of the year 1905, under the provisions of the County Act.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

**ACT 74.****AN ACT**

TO AMEND SECTIONS 1770, 1776, 1777, 1779, 1780, 1782 AND 1786 OF CHAPTER 119 OF THE REVISED LAWS OF HAWAII, ENTITLED "JURIES AND TRIAL BY JURY" AND TO ADD A NEW SECTION TO SAID CHAPTER TO BE KNOWN AS "SECTION 1782 A".

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That subdivision 1 of Section 1770, of Chapter 119, Revised Laws of Hawaii, entitled "Juries and Trial by Jury", be and the same is hereby amended to read as follows, to wit:

"1. If he is a male citizen of the United States, and of the Territory of Hawaii, of the age of 21 years, and possesses the qualifications for registration as a voter, and is a resident of the Circuit from which he is selected; and"

SECTION 2. That Section 1776 of the Revised Laws of Hawaii be and the same is hereby amended, by striking from said Section, at lines 3 and 4 thereof, the words "for the next calendar year", and insert in lieu thereof, the words "for a period of one year from and after the said first day of December".

SECTION 3. Section 1777 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1777. Duty to make list, etc. The jury commissioners of each circuit shall, before the fifteenth day of December in each year, or at any subsequent time, if omitted or neglected before such day, make two lists of persons to serve respectively as grand and trial jurors in the circuit court for the ensuing year. They shall proceed to select and list from the citizens, voters and residents of the several precincts in the circuit, as near as may be according to and in proportion with the

respective number of registered voters last registered in each of such precincts, the names of one hundred persons who, in their opinion, are qualified to serve as trial jurors and the names of fifty persons who are so qualified to serve as grand jurors under the provisions of this Chapter; provided, that the number of persons so selected and listed as aforesaid, shall be two hundred and fifty as trial jurors, and seventy-five as grand jurors in the first circuit and one hundred and fifty as trial jurors and fifty as grand jurors in the fourth circuit, and in making such selections and lists as aforesaid, they shall take the names of such only as, in their opinion, are not exempt from serving; who are in possession of their natural faculties, and not infirm or decrepit, of fair character, of approved integrity and of sound judgment, provided, that if, thereafter, it be judicially determined that the lists contain the names of persons disqualified or exempt from serving, the same shall be stricken from such lists and the Jury Commissioners shall select and list, upon request of a circuit judge, additional names to make up the full number required above; provided, that if in any of the circuits, the Jury Commissioners shall not be able to select the number required by this Section for jurors, they may select a less number, and the highest practicable; and provided further, that they shall not select, unless necessary, the name of any person who has served as a juror within one year. Certified lists of the names of the persons so selected from each precinct to serve as jurors shall at once be placed in the possession of the clerk of the circuit court; provided, however, that until such Jury Commissioners shall have been duly appointed and qualified according to law, or in case they shall, at any time after such appointment and qualification, neglect or fail to make such selection and list of persons to serve as jurors as aforesaid, then such selection and list of such persons to serve as jurors as aforesaid shall be made, in the manner aforesaid, by a judge and a clerk of the circuit court."

SECTION 4. That Section 1779 of the Revised Laws of Ha-

wall be and the same is hereby amended to read as follows:

"Section 1779. On receiving such certified list of names from the Jury Commissioners, the clerk shall file the same in his office, and at least ten days before the first day of the next succeeding term of such circuit Court, such clerk thereof, shall write the names of such persons selected and listed as aforesaid, on separate pieces of paper of the same size and appearance, and fold each such piece so as to conceal the name thereon, and deposit them all in an appropriate box to be called the "Jury Box." Thereupon, the clerk, at the direction and in the presence of the Judge, shall, after first shaking the "Jury Box" containing the names deposited therein as aforesaid, so as to thoroughly mix said pieces of paper upon which such names are written, draw therefrom by lot the names of not less than thirteen nor more than twenty-three persons to serve as Grand Jurors at the ensuing term of the court; and in the same manner the names of not less than eighteen nor more than twenty-six persons to serve as Trial Jurors at the ensuing term of the court; provided, that each Judge, if there be more than one judge of such court, may, for such term, direct that the names of a sufficient number of persons to serve as Trial Jurors be drawn and summoned to appear before him or before another judge or judges thereof; and any one of such judges may also direct that the Grand Jurors for such term be drawn and summoned to appear before him or before another judge thereof. A certificate containing a list of the names of the persons thus drawn as Grand Jurors, a list of the names of the persons thus drawn as Trial Jurors and a true statement of all the essential facts of such drawing, signed by the judge and attested by the clerk, shall then be filed in the office of such clerk. Provided, that no such drawing or list need be made for Grand Jurors or for Trial Jurors for any special term if, in the opinion of the judge, it is unnecessary.

Such drawings shall be in public, after at least one week's publication of notice of the time and place of the same, in a

newspaper of general circulation, printed and published in the circuit within which said drawing shall take place, if there is such a newspaper printed and published in such circuit, otherwise after one week's posting of such notice in at least three conspicuous places in such circuit."

SECTION 5. That Section 1780 of the Revised Laws of Hawaii be and the same is hereby amended to read as follows:

"Section 1780. After adjournment of the court for the term for which jurors have been drawn and at which they have attended and served, the clerk shall enclose the pieces of paper containing the names of those who so attended and served as jurors in an envelope, under seal, stating thereon the term, and the said names shall not be returned to the Jury Box except as hereinafter provided. The names of all those who have been excused by reason of exemption or disqualification shall be placed in a separate envelope, marked for that purpose, and shall not be returned to the Jury Box so long as such exemption or disqualification shall continue. All other names shall remain in or be returned to the Jury Box, which shall then be and remain locked until the Judge shall order it to be opened for the next drawing.

At least ten days before every succeeding term, juries shall be drawn as nearly as may be in the manner above specified from the names thus remaining in the Jury Box; provided that whenever the Jury Box contains no names, or a number of names insufficient for the purposes above set forth, then the clerk may, under the direction and in the presence of the judge open the envelope containing the names of those who have served at the most remote term of that year and deposit the names in the Jury Box for the purpose of being drawn as above set forth. Whenever occasion requires the other envelopes may be opened and their contents deposited in the Jury Box in the order in which said envelopes were sealed."

SECTION 6. That Section 1782 of the Revised Laws of



Hawaii be and the same is hereby amended by striking out all of the second paragraph thereof, and all the portion of the first paragraph, after the word "require" on line 13 of said section, and insert in lieu thereof, the following:

"direct that from said Jury Box may be drawn names sufficient in number to fill said Grand Jury panel so that the same may then contain not less than 13 or more than 23 Grand Jurors, or, if the deficiency be in the Trial Jury, that from said Jury Box may be drawn names not more than 26 in number for the purpose of filling the panel and acting as Trial Jurors for the residue of the term; whereupon the court shall direct the sheriff to summon the persons whose names have been thus drawn to appear forthwith for the purpose or purposes aforesaid."

SECTION 7. That said Chapter 119 be and the same is hereby amended by adding thereto a new section to follow Section 1782, and which said new section shall be known as "Section 1782 A", and which said new section shall read as follows, to wit:

*105* "Section 1782 A. If for any reason at any term of a circuit court, the whole list of persons to serve as jurors for that year made and filed by the Jury Commissioners, shall be exhausted, and more jurors shall be needed, the presiding judge, together with the clerk of the court, may select and file a new list of as many jurors as may be necessary, and a new venire may be drawn and summoned to appear forthwith."

SECTION 8. That Section 1786 of said Chapter 119, be and the same is hereby amended to read as follows, to wit:

"Section 1786. Before the Grand Jury is sworn, the prosecuting officer, or any person held to answer a charge for a criminal offense may challenge the panel, or an individual juror for cause to be assigned to the Court. All such challenges shall be tried and determined by the Court. The Clerk shall then enter

upon the jury roll the names of jurors present, not excused and sworn to serve upon the panel."

SECTION 9. This Act shall take effect and be in force from and after its passage.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 75.

### AN ACT

#### RELATING TO TRIAL JURORS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. It shall not be necessary in any case, whether civil or criminal, for any trial jury after having been finally accepted and sworn to try the cause, to be segregated, locked up or otherwise confined at any time prior to retiring to deliberate upon their verdict: Provided, however, that the Court may in its discretion order and direct that the trial jury in any case, whether civil or criminal, shall be segregated, locked up or otherwise confined after being finally accepted and sworn to try the cause and until a verdict is arrived at or the jury discharged.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 76.

### AN ACT

TO AMEND SECTION 2592 OF THE REVISED LAWS OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 2592 of the Revised Laws of Hawaii, approved February 27th, 1905, is hereby amended by inserting after the word "Territory," in the sixth line thereof, the words and punctuation marks, "to maintain branch banks for the purpose of carrying on said business of banking at such places in this Territory as the corporation may decide, the Taxation District of Honolulu excepted, upon payment of a license fee as required by law."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 77.

### AN ACT

TO AMEND SECTION 2621 OF THE REVISED LAWS OF HAWAII  
RELATING TO TAXATION OF INSURANCE CORPORATIONS AND  
COMPANIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 2621 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2621. Taxes Penalty. All insurance companies or corporations doing business in this Territory must file with the Commissioner annually, on or before the first day of June, in each year hereafter, a statement under oath, setting forth the amount of gross premiums received by said companies or corporations during the year ending December 31, next preceding, from all risks located in, and all business done, within this Territory. All such insurance companies or corporations, except life insurance companies, shall pay to the Treasurer through the Insurance Commissioner a tax of two per cent on the gross premiums received from all risks located in, and from all marine business done within this Territory during the year ending on the preceding 31st day of December, less return premiums, re-insurance in companies or corporations authorized to do business in this Territory and losses actually paid to policy holders. And if a life insurance company, shall pay to the Treasurer through the Insurance Commissioner a tax of two per cent on the gross premiums received from all business done within this Territory during the year ending on the preceding 31st day of December less return premiums, re-insurance in companies or corporations authorized to do business in this Territory, death claims, payments made to policy holders, and actual operating and business expenses; which taxes when so paid shall be in settlement of all demands of any taxes or licenses or fees of every character imposed by the laws of this Territory, excepting property taxes, and the fees set forth in Section 2620, for conducting said business of insurance in said Territory. Said taxes shall be due and payable on the first day of July succeeding the filing of the statement provided for in this Chapter. Any organization failing or refusing to render such statement and to pay the required tax as above stated for more than thirty days after the time so specified, shall be liable to a penalty of \$25.00 for each day of delinquency, and the taxes may be collected by distraint, and the penalty recovered by an action to be instituted by the Commissioner in the name of the Territory, in any Court of competent jurisdiction, and the Commissioner

shall revoke and annul the certificate of authority of such delinquent organization until such taxes and fine, should any be imposed, are fully paid."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 78.

### AN ACT

TO AMEND SECTION 842 OF CHAPTER 66 OF THE REVISED LAWS  
OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 842 of the Revised Laws of Hawaii is hereby amended by adding at the end thereof the following proviso:—

"Provided, however, that with the approval of the Governor, the Superintendent of Public Works, may authorize a rate of speed not exceeding twenty (20) miles an hour between any stated points on any line not within the limits described in paragraph two of said section, and within the limits of paragraph two of said section, may authorize a rate of speed not exceeding twelve (12) miles an hour, and may in like manner withdraw such authorization; and, provided, further, that for any violation of such speed limit for the time being, the same penalty shall apply as hereinbefore mentioned.

Provided, however, that the Company shall have no power to plead as a defense or take advantage of the fact in any action

brought against it for loss or damages occasioned by the Company to any person that the cars of the Company causing such loss or damages were running at the rate of speed authorized by or by virtue of this Act."

Section 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 79.

### AN ACT

RELATING TO SET-OFF, ADDING A NEW SECTION TO THE REVISED LAWS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. A new section is hereby added to the Revised Laws as follows:

"Section 1758A. Judgment in an action in which a claim of set-off has been pleaded shall be rendered in favor of the party to whom a balance is found due for the amount of such balance, not exceeding the jurisdiction of the court or trial justice, with costs. If the amounts found due to the respective parties are equal, judgment shall be rendered in favor of each for such amounts and an entry shall be made that the judgments are satisfied by the set-off, with costs to either party, or without costs to either party, or without costs, as the court orders. If, on the set-off in an action upon a claim assigned to the plaintiff before action is brought, a balance is found due to the defendant, or if a balance is found due from any person other than the

plaintiff, judgment shall not be rendered against the plaintiff for the balance."

SECTION 2. This Act shall be in effect from the date of its approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 80

### AN ACT

TO REPEAL CHAPTER 36 OF THE REVISED LAWS OF HAWAII  
RELATING TO DISEASES OF SHEEP.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 455 to 458 both inclusive of the Revised Laws of Hawaii are hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its publication.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 81.

## AN ACT

TO AMEND CHAPTER 35 OF THE REVISED LAWS OF HAWAII RELATING TO DISEASES OF ANIMALS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 440, 441, 443, 448, 450, 451, 452, 453, and 454 of the Revised Laws of Hawaii are hereby repealed.

SECTION 2. Section 446 of the Revised Laws of Hawaii is hereby amended by striking out of line 1 thereof and the word "imported."

SECTION 3. Section 447 of the Revised Laws of Hawaii is hereby amended by striking out the words "executive inspector or" after "nearest" in line 2 and the words "or distemper" after "disease" in line 5.

SECTION 4. This Act shall take effect from and after the date of its publication.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.



**ACT 82.****AN ACT**

TO AMEND SECTIONS 378, 388 AND 390 OF CHAPTER 28 OF THE REVISED LAWS OF HAWAII RELATING TO BOARD OF AGRICULTURE AND FORESTRY, AND ADDING TO SAID CHAPTER 28 SEVEN NEW SECTIONS TO BE KNOWN AS SECTIONS 390 A., 390 B., 390 C., 390 D., 390 E., 390 F., AND 390 G.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 378 of the Revised Laws of Hawaii is hereby amended by inserting after the word "value" in line 4 thereof, the following: "and in the investigation, suppression and eradication of contagious, infectious and communicable diseases among domestic animals".

SECTION 2. Section 388 of the Revised Laws of Hawaii is hereby amended by inserting the words "or animals" after the words "Articles" in lines 6, 9, 11 and 12 thereof.

SECTION 3. Section 390 of the Revised Laws of Hawaii is hereby amended by inserting the words "or animal" after the word "article" in lines 3 and 5 and the words "or animals" after the word "articles" in line 7.

SECTION 4. Chapter 28 of the Revised Laws of Hawaii is hereby amended by adding seven new Sections thereto to be known as Sections 390 A., 390 B., 390 C., 390 D., 390 E., 390 F and 390 G., and to read as follows:

"Section 390 A. It shall be the duty of the Board of Agriculture and Forestry to gather, compile, tabulate, furnish and publish from time to time information and statistics concerning domestic animals in the Territory of Hawaii, their protection and use, to inquire into and report upon the causes of contagious, infectious and communicable diseases among them, and the means for the prevention, suppression and cure of the same.

Section 390 B. Said Board of Agriculture and Forestry shall have power and authority to make rules and regulations, and to amend the same from time to time in its discretion, subject to the approval of the Governor for and concerning the inspection, quarantine, disinfection or destruction, either upon introduction into the Territory, or at any time or place within the Territory, of animals and the premises and effects used in connection with such animals. Included therein may be rules and regulations governing the transportation of animals between the different Islands of the Territory and along the highways thereof.

And also to prohibit the importation into the Territory from any foreign country, or other parts of the United States or from one Island within the Territory to another Island therein, or to one locality from another locality on the same Island, of animals known to be infected with a contagious, infectious or communicable disease or known to have been exposed to any such disease.

All rules and regulations made as aforesaid shall have the force and effect of law.

Section 390 C. Said Board of Agriculture and Forestry shall have power and authority to appoint a Superintendent of animal industry who shall be a competent veterinary surgeon and shall be known as the "Territorial Veterinarian".

He shall have charge, direction and control, (subject to the direction and control of the Board), of all matters relating to the inspection of animals and the prevention and eradication of contagious, infectious and communicable diseases among animals and of all matters relating to animal industry mentioned in or coming within the scope of this Chapter, and such other matters as the Board shall from time to time direct. He shall be paid such salary as may be appropriated by the Legislature and shall enjoy all the powers, rights, privileges and immunities of an officer of the Board of Health.

Section 390 D. Said Board of Agriculture and Forestry shall have power and authority to appoint and commission one or more Live stock Inspectors for each Judicial Circuit, and other employees as may be necessary for the proper carrying into effect of the provisions of this Chapter and may at its pleasure remove any Inspector or employee and to fix their compensation.

Section 390 E. No domestic animal shall be allowed to enter the Territory of Hawaii except after inspection by the Territorial Veterinarian or in his absence by a Live Stock Inspector, and a permit issued by such inspecting officer to the consignee or owner, provided, however, that no fees for inspection shall be charged, nor delays caused concerning the landing of any domestic animal for which a certificate of health has been issued as prescribed by an act of Congress approved February 2nd, 1903, and entitled "An Act to Enable the Secretary of Agriculture to more effectually suppress and prevent the spread of infectious and contagious diseases of live stock and for other purposes.

Section 390 F. The landing of any animal for the purpose of inspection or quarantine shall not be construed to be an entry into the Territory for any purpose whatsoever, except as herein provided and if in the opinion of the inspecting officer it shall be necessary or proper to quarantine any such animal, he shall have authority so to do at the expense of the owner or consignee.

Section 390 G. The Board shall have the power to quarantine any domestic animal known to be effected with or to have been exposed to any contagious, infectious or communicable disease, and to destroy the same, when in the opinion of the Territorial Veterinarian, or in his absence, a duly qualified Veterinary Surgeon, such measure is necessary to prevent the spread of such disease, and to provide for the proper disposition of its hide and carcass; and to disinfect premises where any such disease may have existed.

SECTION 5. Any and all laws in conflict with this Act are hereby repealed.

SECTION 6. This Act shall take effect from and after the date of its publication.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 83.

### AN ACT

TO DECLARE THE EFFECT OF AN ADOPTION OF A CHILD.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. An adopted child, whether adopted by decree or judgment of a judge or court, or by an agreement of adoption legalized by a judge or court, or by an agreement of adoption duly acknowledged and recorded according to law, shall inherit estate undisposed of by will from its adopting parents the same as if it were the natural child of such adopting parents, and shall not inherit estate from its natural parents; the adopting parents of such child shall inherit estate undisposed of by will from such child the same as if such adopting parents had been its natural parents, and the natural parents of such child and their relatives shall not inherit estate from it; and for all other purposes an adopted child and its adopting parents shall sustain towards each other the legal relation of parents and child and shall have all the rights and be subject to all the duties of that relation the same as if such child were the natural child of such parents, and all such duties and rights as between

such child and its natural parents shall cease from the time of the adoption.

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 84.

### AN ACT

#### RELATING TO ATTACHMENTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*  
GENERAL PROVISIONS.

SECTION 1. This Act shall apply to Circuit and District Courts. A judge of any court of record may make any order at chambers which by the provisions of this Act may be made by the court in term time. When the proceedings are before a District Magistrate, the magistrate shall be regarded as the clerk of the court for all purposes contemplated herein. The word "sheriff" as used in this Act, means the High Sheriff of the Territory or his deputy, and, when the proceedings are before a District Magistrate police officers also. Nothing in this Act shall be construed to permit a District Magistrate to issue a writ of attachment to be served out of the Circuit in which his district is situated, or to permit an attachment of real estate, or any interest therein, under a writ issued by a Magistrate.

#### ISSUANCE OF WRIT.

SECTION 2. The plaintiff at the time of commencing an action, or at any time afterward before judgment, may have the

property of the defendant, or that of any one or more of several defendants, which is not exempt from execution, attached in the manner hereinafter prescribed, as security for the satisfaction of such judgment as he may recover, but no writ of attachment shall be issued against the Territory or any political or municipal corporation or subdivision thereof.

SECTION 3. The writ of attachment shall be issued by the clerk of the court in which the action is pending; but before any such writ of attachment shall issue, the plaintiff, or some one in his behalf, shall make and file with such clerk an affidavit showing that the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all just credits and offsets) and that the attachment is not sought and the action is not prosecuted to hinder, delay or defraud any creditor of the defendant; and either,

1. That the defendant conceals himself so that the ordinary process of law cannot be served upon him; or

2. That the defendant has absconded or absented or is about to abscond or absent himself from his usual place of abode in this Territory, so that the ordinary process of law cannot be served upon him; or

3. That the defendant has removed or is about to remove any of his property from this Territory with intent to delay or defraud his creditors; or

4. That the defendant has assigned, conveyed, concealed or disposed of, or is about to assign, convey, conceal or dispose of his property, or a part thereof, with intent to delay or defraud his creditors; or

5. That the defendant is about to convert his property, or a part thereof, into money for the purpose of placing it beyond the reach of his creditors; or

6. That the defendant fraudulently contracted the debt or incurred the obligation for which the action is brought; or

475

1909 p 75

7. That the defendant is not a resident of this Territory; or

8. That the defendant is a foreign corporation; or, if created under the laws of this Territory, that all the proper officers thereof on whom to serve the summons do not exist or are non-residents of the Territory or cannot be found; or

9. That the action is brought against the defendants as principal and surety upon an official bond, to recover money due the Territory or some political or municipal corporation or subdivision thereof.

#### BOND.

SECTION 4. Before the writ of attachment shall issue, the plaintiff or someone in his behalf, shall execute and file with the clerk a bond or undertaking, with two or more sureties, in a sum at least double the amount for which the plaintiff demands judgment, and in no case less than fifty dollars in a District Court or three hundred dollars in any other court, conditioned that the plaintiff will prosecute his action without delay, and will pay all costs that may be adjudged to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the amount specified in such bond or undertaking as the penalty thereof, should the same be wrongfully, oppressively or maliciously sued out. With said bond or undertaking there shall also be filed the affidavits of the sureties, from which it must appear that such sureties are qualified, and that they are, taken together, worth the sum specified in the bond or undertaking, over and above all debts and liabilities and property exempt from execution. But no such bond shall be required when the plaintiff is the Territory or any officer or agent of the Territory suing for its use or benefit.

SECTION 5. The defendant may, at any time before judgment move the court for additional security on the part of the plaintiff, and if, on such motion, the court is satisfied that any surety on the plaintiff's bond has removed from the Territory, or that the surety is not sufficient, the attachment may be va-

ated and restitution directed of any property taken under it, unless in a reasonable time, to be fixed by the court, further security is given by the plaintiff in such amount and form as shall be approved by the court.

SECTION 6. In an action on such bond the plaintiff therein may recover, if he shows that the attachment was wrongfully sued out, and that there was no reasonable cause to believe the ground upon which the same was issued to be true, the actual damages sustained and reasonable attorney's fees, of not more than fifty dollars in any case, to be fixed by the court; and if it be shown that such attachment was sued out maliciously, he may recover exemplary damages; but no action shall be maintained on any such bond until after final judgment in the action, unless the same be discontinued or dismissed.

#### MODE OF ATTACHMENT.

SECTION 7. The writ of attachment shall be issued by the clerk with the approval of the court and directed to the sheriff, and shall require him to attach and safely keep so much of the property of the defendant as will be sufficient to satisfy the demand of the plaintiff, with costs and expenses.

SECTION 8. The sheriff shall attach such sufficient amount of the property of the defendant, if sufficient not exempt from execution can be found, giving that to which the defendant has an unquestionable title a preference over that to which his title is doubtful, and he shall, as nearly as the circumstances of the case will permit, levy upon property twenty per cent greater in value than the amount which the plaintiff in his affidavit claims to be due. When property is seized on attachment, the court may allow to the officer having charge thereof such compensation for his trouble and expenses in keeping the same as shall be reasonable and just.

SECTION 9. The sheriff to whom the writ is directed and delivered, must execute the same without delay as follows:



1. Real property or any interest therein shall be attached by filing in the office in which conveyances of the real property attached should be recorded, a copy of the writ of attachment, with the officer's certificate indorsed or affixed, that by virtue of the original writ of which such copy is a true copy, he has attached such real estate, or all of the interest of the defendant therein, describing the same with convenient certainty as the property of the defendant, naming him, in such writ.

2. Personal property, capable of manual delivery, shall be attached by taking the same into custody.

3. Stock in a corporation shall be attached by notifying the president, secretary, treasurer or managing agent of the corporation, and also the defendant, if within the Territory, that the stock has been so attached.

SECTION 10. If the sheriff has any reasonable doubt as to the ownership of the property, or as to its liability to be taken on the writ, he may require sufficient security to indemnify him for attaching it.

SECTION 11. When there are several attachments against the same defendant, they shall be executed in the order in which they are received by the sheriff.

#### EXAMINATION OF DEFENDANT.

SECTION 12. Whenever it appears by the affidavit of the plaintiff or by the return of the attachment that no property is known to the plaintiff or officer on which the attachment can be executed, or not enough to satisfy the plaintiff's claim, the defendant may be required by the court or judge to attend before it or him, and give information on oath respecting the same.

SECTION 13. If any of the property attached be perishable, or in danger of serious and immediate waste or decay, the sheriff shall sell the same in the manner in which such property is sold on execution. Whenever it shall be made to appear satis-

factorily to the court or judge that the interest of the parties to the action will be subserved by a sale of any attached property, the court or judge may order such property to be sold in the same manner as like property sold under execution. Such order shall be made only upon notice to the adverse party or his attorney in case such party shall have been personally served with a summons in the action.

SECTION 14. The court before which the action is pending, or the judge thereof, may at any time appoint a receiver whose pay shall be taken out of the fees of the sheriff to take possession of property attached under the provisions of this Act, and to collect the revenues thereof, manage, and control the same, and pay over the proceeds according to the nature of the property and the exigency of the case.

#### SHERIFF'S RETURN.

SECTION 15. The sheriff shall make out a full inventory of the property attached and return the same with the writ of attachment. He shall return the writ with the summons if issued at the same time; otherwise, within such time after its receipt as is allowed for a return of summons, with a certificate of his proceedings indorsed thereon or attached thereto.

#### DISCHARGE OF WRIT.

SECTION 16. If the defendant recover judgment or if the plaintiff be nonsuited or if the action be discontinued or dismissed, all the proceeds of the sale and money collected by the sheriff, and all the property attached remaining in the sheriff's hands, shall be delivered to the defendant, or his agent, and the order of attachment shall be discharged, and the property released therefrom.

SECTION 17. If the defendant, at any time before judgment, cause a bond to be executed to the plaintiff with sufficient sureties, to be approved by the officer having the attachment, or,

after the return thereof by the clerk to the effect that he will perform the judgment of the court, the attachment shall be discharged and restitution made of the property taken or the proceeds thereof. The execution of such bond shall be deemed an appearance of such defendant to the action. Such bond shall be part of the record, and if judgment go against the defendant, the same shall be entered against him and the sureties.

SECTION 18. The defendant may at any time after he has appeared in the action, either before or after the release of the attached property, or before any attachment shall have been actually levied, apply on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought, or to the judge thereof, that the writ of attachment be discharged, on the ground that the same was improperly issued. If upon such application, it satisfactorily appears that the writ of attachment was improperly issued, it shall be discharged.

SECTION 19. Whenever an order has been made discharging or releasing an attachment upon real property, a certified copy of such order may be filed in the office in which a copy of the writ has been filed under Section 9 of this Act and be indexed in like manner, and all expenses relating to such attachment shall be paid by the plaintiff.

#### EXECUTION.

SECTION 20. If judgment be recovered by the plaintiff, the sheriff shall satisfy the same out of the property attached by him which has not been delivered to the defendant or claimant, as in this Act provided, or subjected to execution on another judgment recovered before the issuing of the attachment, if it be sufficient for that purpose.

1. By applying on the execution issued on said judgment the proceeds of all sales of perishable or other property sold by him, or so much as shall be necessary to satisfy the judgment.

2. If any balance remain due, he shall sell under the execu-

tion so much of the property, real or personal, as may be necessary to satisfy the balance, if enough for that purpose remains in his hands. Notice of the sale shall be given and the sale conducted as in other cases of sales on execution. In all cases the personal property shall first be sold.

SECTION 21. If, after selling all the property attached by him remaining in his hands, and applying the proceeds, deducting his fees to the payment of the judgment, any balance shall remain due, the sheriff shall proceed to collect such balance as upon an execution in other cases. Whenever the judgment shall have been paid, the sheriff, upon reasonable demand, shall deliver over to the defendant, the attached property remaining in his hands, and any proceeds of the property attached unapplied on the judgment.

SECTION 22. All laws or parts of laws inconsistent herewith, are hereby repealed.

SECTION 23. This Act shall take effect on its approval, but nothing herein contained shall affect any attachment proceedings already commenced when this Act takes effect.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 85.

## AN ACT

MAKING IT A MISDEMEANOR TO SELL OR EXCHANGE PROPERTY UNDER THE REPRESENTATION, ADVERTISEMENT, NOTICE OR INDUCEMENT THAT AN UNIDENTIFIED, UNKNOWN, UNSELECTED, OR CHANCE PRIZE, PREMIUM OR PREMIUM-GIFT, OR THAT A STAMP, TRADING STAMP, COUPON OR OTHER LIKE DEVICE ENTITLING THE HOLDER TO RECEIVE SUCH A PRIZE, PREMIUM OR PREMIUM-GIFT, OR THAT THE REDEMPTION OF SUCH A STAMP, TRADING STAMP, COUPON OR OTHER LIKE DEVICE SO GIVEN IS TO BE PART OF THE TRANSACTION, OR TO SELL OR EXCHANGE ANY TRADING STAMP, STAMP, COUPON OR OTHER LIKE DEVICE TO AID SUCH SALE OR EXCHANGE, AS AFORESAID AND PROVIDING A PENALTY THEREFOR.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whoever sells or exchanges any property or offers or attempts so to do upon a representation, advertisement, notice or inducement that anything unidentified by or unselected by the purchaser at or before the time of the sale or exchange, or upon a representation, advertisement, notice or inducement that anything whose precise nature is not so known to the purchaser at the time of the sale or exchange as to be completely identified beyond the necessity of any further or other selection or upon a representation, notice, advertisement or inducement that any property whose selection will depend upon chance or hazard or in any manner whatsoever is or is to be delivered or received, or is in any way connected with or is a part of the transaction as a prize, premium or premium-gift; or whoever sells or exchanges any property or offers or attempts so

to do upon a representation, advertisement, notice or inducement that a stamp, trading stamp, coupon or other device which entitles the purchaser to demand or receive either from the vendor or from any other person, company, association or corporation any other property unselected by or unidentified by the purchaser at or before the time of the said sale or exchange, or which entitles the purchaser to demand or receive either from the vendor or from any other person, corporation, association or company anything whose precise nature is not so known to the purchaser at the time of the said sale or exchange as to be completely identified beyond the necessity of any further or other selection, or which entitles the purchaser to receive or demand either from the vendor or from any other person, corporation, association or company any property whose selection will depend upon chance or hazard in any manner whatsoever, is to be delivered or received or is in any way connected with or is a part of the transaction as a prize, premium or premium-gift, [or whoever sells or exchanges any trading stamp, stamp, coupon or other like device upon a contract to enable the purchaser to sell or exchange property, or attempt so to do, upon any representation, advertisement, notice or inducement of any kind hereinbefore mentioned; or whoever delivers any goods, wares or merchandise upon the presentation of any such stamp, coupon, or other like device so given or caused to be given, shall for each offence be guilty of a misdemeanor and be punishable by a fine of not less than Twenty Dollars, or more than Five Hundred Dollars, provided, however, that the provisions of this Act shall not apply or extend in any manner to the redemption of any such stamp, trading stamp, coupon or other like device that may have been issued as a premium, prize, or premium-gift prior to the time this Act takes effect; and provided further, that the provisions of this Act shall not apply or extend to any sale or exchange of articles in bulk, heap or mass, or a part or portion thereof, which sale or exchange is not made, effected or induced by or upon any representation, advertisement, notice or inducement of any kind hereinbefore specified.

SECTION 2. This Act shall take effect and be in force from and after its passage.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 86.

### AN ACT

#### TO PROTECT VESTED FISHING RIGHTS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The words "vested fishing right" as used in this Act, shall mean any fishing right which has been established by proceedings brought in conformity with Section 96 of "An Act to Provide a Government for the Territory of Hawaii", and for which judgment has been entered in any Circuit Court.

SECTION 2. A vested fishing right when so established shall continue, for the purpose of this Act, notwithstanding the pendency of any condemnation proceedings, until judgment is entered upon such condemnation proceedings and the compensation named therein has been paid or tendered to the owner of said vested fishing right or other interested therein.

SECTION 3. Any person who shall catch and appropriate to himself any fish which the owner or lessee of a vested fishing right has set apart for himself under and by virtue of said vested fishing right or to which said owner or lessee is otherwise entitled by law; or who shall aid or abet such catching and appropriating by others, shall be guilty of a misdemeanor, and upon

conviction shall be punished by a fine not exceeding one hundred dollars for each offence.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 87.

### AN ACT

TO AMEND SECTIONS 1278, 1279, 1280, 1281, 1282, 1283, 1286  
AND 1288 OF THE REVISED LAWS OF HAWAII, RELATING  
TO INCOME TAX.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1278 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

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"Section 1278. Rate on Person's Income. There shall be levied, assessed, collected and paid annually upon the gains, profits and income over and above One Thousand Dollars, derived by every person residing in the Territory of Hawaii, from all property owned, and every business, trade, profession, employment or vocation, carried on in the Territory, and by every person residing without the Territory from all property owned, and every business, trade, profession, employment or vocation carried on in the Territory, and by every servant or officer of the Territory, wherever residing, a tax of two per cent. on the amount so derived during the taxation periods as herein defined, provided that the exemption for the first taxation period shall be only Five Hundred Dollars.



The taxation period within the meaning of this chapter shall be the year immediately preceding the first day of January of each year, in which such tax is payable, except that the first taxation period shall be the half year immediately preceding the first day of January, 1906."

SECTION 2. Section 1279 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1279. On Corporation Income. There shall be levied, assessed, collected and paid annually, except as hereinafter provided, a tax of two per cent. on the net profit or income above actual operating and business expenses derived during the first taxation period and each succeeding taxation period, from all property owned, and every business, trade, employment or vocation, carried on in the Territory of Hawaii, of all corporations, doing business for profit in the Territory, no matter where created and organized; provided, however, that nothing herein contained shall apply to corporations, companies or associations, conducted solely for charitable, religious, educational or scientific purposes, including fraternal beneficiary societies, nor to insurance companies, taxed on a percentage of the premiums under the authority of another law."

SECTION 3. Section 1280 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1280. Income Includes What. In estimating the gains, profits and income, of any person or corporation, there shall be included all income, derived from interest upon notes, bonds and other securities, except such bonds of the Territory of Hawaii or of municipalities created by this Territory, the principal and interest of which, are by the law of their issuance exempt from all taxation; profits realized within the taxation period whether that period be the first taxation period or any succeeding taxation period from sales of real estate, including leaseholds purchased within two years; dividends upon the stock of any corporation; the amount of all premiums on bonds,

notes or coupons; the amount of sales of all movable property, less the amount expended in the purchase or production of the same, and in the case of a person not including any part thereof consumed directly by him or his family; money and the value of all personal property acquired by gift or inheritance and all other gains, profits and income derived from any source whatsoever during said taxation period."

SECTION 4. Section 1281 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1281. Income, How Computed. The net profits or income of all corporations shall include the amounts paid or payable to, or distributed or distributable among shareholders from any fund, or used for construction, enlargement of plant, or any other expenditure or investment, paid from the net profits, made or acquired by said corporation, during the taxation period next preceding, whether that period be the first taxation period or any succeeding period.

In computing incomes the necessary expenses actually incurred in carrying on any business, trade, profession or occupation, or in managing any property shall be deducted and also all interest paid by such person or corporation on existing indebtedness. And all government taxes, and license fees, paid within the taxation period next preceding whether that period be the first taxation period or any succeeding taxation period shall be deducted from the gains, profits or income of the person who, or the corporation which, has actually paid the same, whether such person or corporation be owner, tenant or mortgagor; also all losses actually sustained during the taxation period next preceding, whether that period be the first taxation period or any succeeding taxation period, incurred in trade, or arising from losses by fire not covered by insurance, or losses otherwise actually incurred.

Provided, that no deduction shall be made for any amounts paid out for new buildings, permanent improvements or betterments, made to increase the value of any property or estate.

Provided, further, that no deduction shall be made for personal or family expenses, the exemption of Five Hundred Dollars for the first taxation period and One Thousand Dollars for each taxation period thereafter, mentioned in Section 1278, being in lieu of the same.

Provided, further, that where allowable under this Chapter, only one deduction of Five Hundred Dollars for the first taxation period and thereafter One Thousand Dollars for each taxation period shall be made from the aggregate annual income of all the members of one family, composed of one or both parents and one or more minor children, or husband and wife; that guardians shall be allowed to make a deduction in favor of each and every ward, except where two or more wards are comprised in one family, in which case the aggregate deduction in their favor shall not exceed Five Hundred Dollars for the first taxation period and One Thousand Dollars for each taxation period thereafter.

Provided, further, that in assessing the income of any person or corporation there shall not be included the amount received from any corporation as dividends upon the stock of such corporation if the tax of two per cent. has been assessed upon the net profits of such corporation as required by this Chapter, nor any bequests or inheritance otherwise taxed as such."

SECTION 5. Section 1282 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1282. Corporation Returns. Every corporation doing business for profit in the Territory shall make and render to the Assessor of its tax division, between the first and thirty-first days of January, in each year, beginning with the year 1906, a full return verified by oath or affirmation of its duly empowered officers in such form as the Treasurer of the Territory may prescribe, of all the following matters for the taxation period, ending December 31st, next preceding the date of such return, whether that period be the first taxation period or any succeeding taxation period;

First: The gross receipts of such corporation from sales made at home or abroad and from all kinds of business, of any name or nature;

Second: The expenses of such corporation exclusive of interest, annuities and dividends;

Third: The amount paid on account of interest, annuities and dividends stated separately;

Fourth: The amount expended on permanent improvements;

Fifth: The amount paid in salaries or compensation of more than Three Hundred Dollars to each person employed, during the first taxation period, and of more than Six Hundred Dollars for each person employed during each taxation period thereafter, and the name and amount paid to each."

SECTION 6. Section 1283 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1283. Individual Returns. It shall be the duty of all persons of lawful age having an income of Five Hundred Dollars or more, for the first taxation period, and having an income of One Thousand Dollars or more for any taxation period thereafter, from all sources, and of all corporations made liable to income tax, to make and render a list or return between the first and thirty-first days of January of each year, in such form as the Treasurer of the Territory may direct, to the Assessor of the Division in which such persons or corporations reside, locate or do business of the amount of their or its income, gains and profits as aforesaid; and all guardians, trustees, executors, administrators, agents, receivers, and all corporations or persons acting in a fiduciary capacity, shall make or render a list or return as aforesaid to the Assessor of the division in which such person or corporation, acting in a fiduciary capacity resides or does business of the amount of income, gains and profits of any minor or person for whom they act, and the Assessor shall require every list or return to be verified by the

oath or affirmation of the person or authorized officer of the corporation making the same.

If any person or corporation refuses or neglects to render such return within the time required as aforesaid, or renders a return which in the opinion of the Assessor is false and fraudulent, and contains any understatement, it shall be lawful for the Assessor to summon such person, or any of the officers or such corporation, or any person having possession, custody or care of books of account containing entries relating to the business of such person or corporation, or any other person he may deem proper, wherever residing or found, to appear before him and produce such books at a time and place named in the summons, and to give testimony or answer interrogations under oath respecting any income liable to tax or the returns thereof. False, wilful testimony given before such Assessor shall be deemed perjury and punishable as such."

SECTION 7. Section 1286 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1286. Appeal. Any person or corporation who or which has made a legal return as aforesaid may appeal from the amount assessed to the Tax Appeal Court constituted under Chapter 98, in like manner as allowed in case of property tax appeals and the said court is authorized to hear and determine such appeals subject to the revision of the Supreme Court as provided in the case of property taxes. Where the words "valuation of property" or similar words occur in said Chapter concerning such appeals the words "amount of taxable income" shall be understood in all proceedings in regard to appeals from assessments or judgments in income tax matters. Any person or corporation appealing from the assessment of the Assessor shall lodge with the Assessor on or before the fifteenth day of May, of each year, a notice in writing of his intention to appeal and the grounds of such appeal, and deposit with him the costs of appeal as prescribed in case of property taxes, which costs

shall be subject to the regulations prescribed in said Chapter. The said Tax Appeal Court shall sit for hearing tax appeals under the authority of this Chapter between the fifth and twenty-fifth days of July of each year."

SECTION 8. Section 1288 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1288. When Tax Payable; Delinquent. The taxes on income imposed by this Chapter shall be due and payable on the first day of January following of each year; and all such taxes remaining unpaid on the 15th day of May shall thereby and thereupon become delinquent as to one-half of the amount due, and the balance of the taxes remaining unpaid on the 15th day of November shall thereby and thereupon become delinquent. A penalty of ten per cent. shall be added by the Assessor to the amount of all delinquent taxes, which penalty shall be and become a part of such tax and shall be collected as part of such tax. Any delinquent tax and penalty remaining unpaid fifteen days after the date of delinquency shall bear interest from the date of the expiration of said fifteen days at the rate of one per cent. for each month or fraction of a month until paid, which interest shall be and become a part of such tax and shall be collected as part of such tax."

SECTION 9. This Act shall take effect on the first day of January, A. D. 1906.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

**ACT 88.****AN ACT**

TO AMEND SECTION 1216 OF THE REVISED LAWS OF THE TERRITORY OF HAWAII, RELATING TO THE BASIS OF VALUES FOR TAXATION.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 1216 of the Revised Laws of the Territory of Hawaii be, and the same is hereby amended by adding thereto the following paragraphs:

“Provided also, that the combined property of every corporation holding a public utility franchise and occupying the public streets or highways of the Territory, other than any such corporation that by the terms of its franchise is required to pay a percentage of its gross income to the Territory, shall be valued and assessed at not less than the total amount of the par value of the capital issues emitted by such corporation.”

Said Section 1216 is further amended by striking out the words:

“In ascertaining the aggregate value of the property constituting an enterprise for profit for the purpose indicated by this Section, there shall be excluded therefrom the value of shares in other Hawaiian corporations, held or owned by such enterprise, and all property on which specific taxes are levied.”

And inserting in the place and stead thereof the following words:

“In ascertaining the aggregate value of the property constituting the basis of an enterprise for profit for the purpose indicated by this Section, there shall first be included all property combined and forming the basis of such enterprise whether within the definition of real or personal property set forth in this chapter or not, and there then shall be deducted therefrom

the value of shares in other Hawaiian corporations, held or owned by such enterprise, the value of all property on which specific taxes are levied and the value of all property that would not be taxable if not so combined and made the basis of an enterprise for profit."

SECTION 2. This Act shall take effect from the date of its publication.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 89.

### AN ACT

RELATING TO PERSONAL AND PROPERTY TAXES AMENDING SECTIONS 1183, 1195, 1203, 1204, 1206, 1236, 1243, 1244, 1245, 1247, 1250, 1259, 1263, 1264, 1265, 1266, 1267 AND 1269 OF CHAPTER 98 OF THE REVISED LAWS OF HAWAII, REPEALING SECTIONS 1211 AND 1229 THEREOF, AND ADDING TWO NEW SECTIONS THERETO, SECTIONS 1215 A. AND 1215 B.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1183 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1183. Dates. January 1-31. All property shall be assessed as of January 1 in each year, and the taxes thereon shall be due and payable on and after January 31 in each year.

January 1. All personal taxes shall be assessed as of, and be due and payable on and after January 1 in each year.



January 1-31. All taxpayers shall make returns of their property and the value thereof between January 1 and January 31st, both inclusive, in each year.

March 31. All personal taxes which shall remain unpaid on March 31 of each year shall thereby and thereupon become delinquent.

May 15. All the specific taxes and one-half of all other property taxes remaining unpaid on May 15 of each year shall thereby and thereupon become delinquent.

November 15. The balance of the property taxes remaining unpaid on November 15 of each year shall thereby and thereupon become delinquent.

May 1-15. The assessment books shall be made up on or before May 1, and shall be open to inspection from May 1 to May 15, of each year, both inclusive. Notice of which shall be given.

May 1-15. In order to be entitled to appeal, any person desirous and otherwise entitled to appeal from any assessment, shall file a notice of appeal at any time from May 1 to May 15, both inclusive, of the year in which the assessment is made.

June 1-20. The tax appeal court shall sit for the hearing of tax appeals between June 1 and June 20, both inclusive, of each year.

January 31-November 15. From January 31 to November 15, both inclusive, of each year, assessors shall attend at an advertised place for collection of taxes, the advertisement to contain notice that taxes will be delinquent after May 15 and November 15.

December 1. As soon after December 1 of each year as possible the assessors shall prepare and advertise in some newspaper or post in not less than three public places in each district, the names of all delinquent taxpayers owning property in such district, and the amount due by each.

December 1-31. During December of each year each assessor shall advertise for tax returns to be made during the following January. Also the Board of Equalization shall meet in Honolulu at such time as may be designated by the Treasurer of the Territory."

SECTION 2. Section 1195 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1195. Compensation. Each assessor shall receive such compensation as the Legislature from time to time appropriates. Each deputy assessor shall receive as full compensation for assessing and collecting and all work done in connection therewith, such percentage of the taxes collected by him, including road and school taxes, not to exceed five per centum or such salary not to exceed five per centum, as the assessor with the approval of the Treasurer may decide, except when such commission or salary shall not amount to the sum of six hundred dollars per annum, then the assessor with the approval of the Treasurer, may increase such commission or salary to an amount not to exceed six hundred dollars per annum, provided, however, that the commission so paid shall be a charge upon each tax separately."

SECTION 3. Section 1203 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1203. Brake, Sulky, Ox-cart and Automobile tax. 1209 171

All brakes and sulkies shall be subject to an annual tax of two dollars each to be paid by the owners thereof, all ox-carts shall be subject to an annual tax of five dollars each, to be paid by the owners thereof, and all automobiles shall be subject to an annual tax of twenty dollars each, to be paid by the owners thereof."

SECTION 4. Section 1204 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1204. Carriage, &c., tax. All carriages, wagons, wagonettes, hearses, omnibuses, drays, carts and other vehicles not herein specified, drawn by horses or mules, and used for the conveyance of persons, freight or merchandise shall be subject to annual tax of five dollars each, to be paid by the owners thereof."

SECTION 5. Section 1206 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1206. Road, brake, etc., Carriage etc. Taxes expended locally. The taxes received from road, brakes, sulkies, ox-carts, automobiles, bicycles and carriage taxes shall constitute the road taxes, and shall be expended in the making, maintaining and repairing of the public roads and highways in the several road districts wherein the same are collected, and shall not be expended in any other district. All road taxes collected under this chapter shall be paid by the assessor into the treasury; and the amount so paid in from each road district shall be a special deposit in the treasury to the credit of such road district, to be paid out only upon the order of such officer as may be by law authorized to draw the same. The Treasurer shall under no circumstances allow these special deposit, or any part thereof, to be used for any other purposes than to pay drafts which may be drawn thereon for road purposes."

SECTION 6. Section 1236 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1236. Board of Equalization. For the purpose of equalizing assessments of property, as far as practicable, throughout the Territory, the several assessors, with the Treasurer as Chairman, shall constitute a Board of Equalization, which shall hold public meetings in Honolulu, at such times as may be designated by the Treasurer, when such general rules regarding assessments and valuation shall be adopted as may be deemed proper and equitable, and not inconsistent with any existing law. Such Board of Equalization shall publish their

findings in all cases where valuations made are of general application."

SECTION 7. Section 1243 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1243. Notice of raise in value. In case any assessor shall raise the valuation of any property above the value stated in the assessment return in this chapter provided for, or shall refuse to allow a claim for exemption, such assessor shall, on or before April 1 in each year, send a written or printed notice by depositing the same in the Post Office, postage prepaid, addressed to the last known place of residence of the person making the return or claiming the exemption, describing the property, the valuation of which has been so raised, and stating the proposed assessment thereof, or stating the exemption refused, as the case may be."

SECTION 8. Section 1244 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1244. Tax list open to public. It shall be the duty of each assessor or his deputy to attend on all days except Sundays between May 1 and May 15, both inclusive, of each year, at some convenient place or places in his division or district, between the hours of eight o'clock in the forenoon and five o'clock in the afternoon with his assessment or tax list, which shall during such times be open for the inspection of all persons liable to taxation in the district without fee or reward.

Written or printed notice of such places shall be given by advertisement in a weekly newspaper, and by posting a notice in at least eight conspicuous places in each district of the times and places at which such tax lists shall be open for inspection in such district."

SECTION 9. Section 1245 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1245. How made. Any person whose name may

109

appear on such tax list, who shall have made his return to the assessor as in this chapter before provided, and if entitled to exemption shall have claimed such exemption, and who may deem himself aggrieved by any change made by the assessor in the valuation of the property as returned; or in the amount or character thereof, or whereby the amount payable by such person is increased beyond the amount which would be payable by him according to such return; or whose claim for exemption shall not have been allowed, may appeal from such assessment on lodging with the assessor or deputy assessor on or before May 15 a notice thereof in writing, stating the grounds of his objection to the assessment or to any part thereof, and depositing therewith the costs of such appeal."

SECTION 10. Section 1247 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1247. Certificate of appeal. On receiving the amount of costs and the statement of appeal the assessor shall grant to the person appealing a certificate in substance in the form following:

..... Tax Division ..... District  
This is to certify that .....  
of this district is assessed for the year 19... as follows:

	Assessment.	Tax.
Aggregate value, business enterprise	.....	.....
Real Estate	.....	.....
Personal Property	.....	.....
Dogs	.....	.....
Bicycles	.....	.....
Automobiles	.....	.....
Brakes and Sulkies	.....	.....
Ox-carts	.....	.....
Other Vehicles	.....	.....
Poll, Road and School	.....	.....
Total	.....	.....

That ..he.. disputes the following items of such assessment, to wit:

	Assessment Tax
Aggregate value, business enterprise	.....
Real Estate	.....
Personal Property	.....
Dogs	.....
Bicycles	.....
Automobiles	.....
Brakes and Sulkies	.....
Ox-carts	.....
Other Vehicles	.....
Poll, Road and School	.....
	<hr/>
Total amount disputed	.....

And has duly appealed from such assessment.

That I have received on deposit the sum of \$.....  
for the cost of this appeal.

Dated ..... 19....

.....  
Assessor (or deputy assessor)"

SECTION 11. Section 1250 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1250. Sessions. The said court shall hold sittings between June 1 and June 20, both inclusive, in each year, in each judicial circuit in which the property is situated on the value of which an appeal may have been taken at such times as the presiding officers thereof may appoint, and may adjourn from time to time as may be necessary."

SECTION 12. Section 1259 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1259. Deputy assessor's lists. In each year on or before July 1, each deputy assessor shall make two copies of the

assessment of the district, which shall be signed and sworn to by him. One of such copies shall be filed with the assessor of the division. Such list shall (subject to any changes made by any court having jurisdiction) be the list in accordance with which taxes shall be collected. No changes in or additions to such assessments shall thereafter be made, except to add thereto property or taxes that may have been omitted therefrom."

SECTION 13. Section 1263 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1263. When taxes payable. All poll, road and school taxes, shall be due and payable on and after January 1 in each year.

Specific taxes and all property taxes shall be due and payable on and after January 31st, in each year."

SECTION 14. Section 1264 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1264. Delinquency, personal, specific and property taxes. All personal taxes remaining unpaid after March 31 of each year shall thereby and thereupon become delinquent. All specific taxes remaining unpaid after May 15 of each year shall thereby and thereupon become delinquent. All real and personal property taxes—except specific taxes—remaining unpaid on May 15 of each year shall thereby and thereupon become delinquent as to one-half the amount due. And the balance of such real and personal property taxes remaining unpaid on November 15 of each year shall thereby and thereupon become delinquent."

SECTION 15. Section 1265 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1265. Penalty and interest. A penalty of 10 per cent shall be added by the assessor to the amount of all delinquent personal and property taxes, which penalty shall be and become a part of such tax and shall be collected as part of such

tax. Any delinquent tax and penalty remaining unpaid fifteen days after the date of delinquency shall bear interest from the date of the expiration of said fifteen days at the rate of ten per cent per annum until paid, which interest shall be and become a part of such tax and shall be collected as part of such tax.

No taxpayer shall be exempt from any delinquent penalties by reason of having made an appeal on his assessment; but no delinquent penalty shall attach to the tax on the actual amount in dispute until such appeal shall be finally decided. The amount in dispute being the exemption claimed or the difference between the amount returned by the taxpayer and the amount assessed.

All personal and property taxes now delinquent and remaining unpaid thirty days after the passage of this Act shall bear interest from the date of the expiration of said thirty days, on the amount of said delinquent tax and penalty, at the rate of ten per cent per annum until paid, which interest shall be and become a part of such tax and shall be collected as part of such tax."

SECTION 16. Section 1266 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1266. Tax Liens. Every tax due upon property shall be a prior lien upon the property assessed; and every tax due upon improvements upon real property assessed to others than the owners of the real property, shall also be a prior lien upon the improvements; which several liens shall attach as of January 31 in each assessment year, and shall continue for five years.

Said liens may be enforced and foreclosed upon the petition of the tax assessor to the circuit judge at Chambers in the judicial circuit in which said property lies or is held, and jurisdiction is hereby conferred upon said circuit judges at Chambers to hear and determine all proceedings brought or instituted to enforce and foreclose such tax liens, and the proceedings had



before said circuit judge at chambers shall be conducted in the same manner and form as ordinary foreclosure proceedings.

For the purpose of foreclosing and enforcing any tax lien under this section, every tax has the effect of a judgment against the person and every lien created by said section has the force and effect of an execution duly levied against the property of the delinquent returned unsatisfied.

SECTION 17. Section 1267 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1267. Public notice, time, place of collection. Each assessor or his deputy shall, between January 31 and November 15, both inclusive of each year, for the convenience of tax payers, attend at certain times or places in each district for the collection of taxes.

Public notice of the time or times, place or places of such attendance and the object thereof shall be given by advertisement in a weekly newspaper or newspapers, and by posting a notice of the same in at least three conspicuous places in each district. Such notice shall also contain a statement that all brake, sulky, ox-cart, automobile, bicycle, wagon, wagonette, hearse, omnibus, dray, cart and carriage taxes and one-half of all property taxes not paid by May 15 will be delinquent and subject to a penalty of ten per cent additional, and if not paid 15 days after delinquent interest from the date of expiration of said fifteen days shall be added at the rate of ten per cent per annum on such tax and penalty, and that the remaining portion of the property taxes due and not paid by November 15 will be delinquent and subject in like manner to a ten per cent penalty and ten per cent interest. And that the delinquent tax list will be published as soon after December 1 following as possible.

Each tax payer shall pay all specific taxes and one-half of all property taxes due by him to the assessor or his deputy on or before May 15 and he shall pay the remaining portion of the property tax due by him to the assessor or his deputy on or be-

fore November 15 of the year in which they are assessed, and no other notification or demand than that in this chapter provided for, shall be required or necessary.

No notice need be published and no demand for payment shall be necessary concerning the payment of personal and dog taxes, except as in this chapter set forth."

SECTION 18. Section 1269 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1269. Payment enforced how. If any tax be unpaid when due, the assessor may proceed to enforce the payment of the same, with all penalties as follows:

1. By distress upon so much of the goods and chattles of the taxpayer as he may deem sufficient to satisfy the payment of taxes due, costs and expenses of such distress or if the taxpayer is delinquent, sufficient to satisfy the payment of taxes due, costs, expenses of such distress, penalty and interest.

2. By suit or action in assumpsit, in his own name, on behalf of the Territory of Hawaii, for the amount of taxes, and costs or if such tax is delinquent for the amount of taxes, costs, penalties and interest, in any district court, irrespective of the amount claimed. Execution may issue upon any judgment rendered in any such suit which may be satisfied out of any real or personal property of the defendant in such suit without other or further authority."

SECTION 19. Sections 1211 and 1229 of Chapter 98 of the Revised Laws of Hawaii are hereby repealed.

SECTION 20. A new section to be known as Section 1215 A is hereby added to Chapter 98 of the Revised Laws of Hawaii to read as follows:

"Section 1215 A. Definition of personal taxes. The term "Personal taxes" for the purposes of this Act, shall mean and include the poll tax, road tax and school tax."

SECTION 21. A new section to be known as Section 1215 B is hereby added to Chapter 98 of the Revised Laws of Hawaii to read as follows:

"Section 1215 B. Definition of specific taxes. The term "specific taxes" for the purposes of this Act, shall mean and include, all brake tax, sulky tax, ox-cart tax, automobile tax, cart tax, dray tax, wagon tax, wagonette tax, omnibus tax, hearse tax, carriage tax, bicycle tax and dog tax."

SECTION 22. This Act shall take effect and be in force from and after the 1st day of January, 1906.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 90.

### AN ACT

FIXING THE QUALIFICATIONS OF AND PROVIDING FOR AN EXAMINATION OF OFFICIAL REPORTERS OF THE CIRCUIT COURT OF THE FIRST CIRCUIT OF THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. No person shall be appointed to the position of Official Reporter or Stenographer of the Circuit Court of the First Circuit, except upon satisfactory evidence of good moral character and without being first examined as to his competency by a Judge of such Court, or by one or more members of the Bar as may be designated by such Judge. The test of competency shall be as follows: The party examined must write in the presence of the examiner at the rate of at least one hun-

dred and sixty words per minute for five consecutive minutes, upon matter not previously written by or known to him, immediately read the same back and transcribe the same plainly and with accuracy. If he pass such test satisfactorily, the applicant shall be furnished with a written certificate of that fact signed by the examiner, which said certificate shall be filed among the records of the Court.

SECTION 11. This Act shall take effect and be in force from and after the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 91.

### AN ACT

TO AMEND CHAPTER 157 OF THE REVISED LAWS OF HAWAII  
RELATING TO CORPORATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Chapter 157 of the Revised Laws of Hawaii relating to corporations is hereby amended by adding thereto a new section to be known as Section 2566 A. which shall read as follows:

"Section 2566 A. Fees. On filing any certificate or other paper, relative to corporations, in the office of the treasurer of the Territory, in addition to the stamp duty and recording fee now charged, the following fees and taxes shall be paid to the Treasurer of the Territory for the use of the Territory. For certificate of incorporation, twenty-cents for each thousand dol-

lars of the total amount of capital stock authorized, but in no case less than twenty-five dollars; increase of capital stock, twenty cents for each thousand dollars of the total increase authorized, but in no case less than twenty dollars; co-partnerships of corporations, twenty cents for each thousand dollars of capital authorized beyond the total authorized capital of the corporations composing such co-partnerships, but in no case less than twenty-five dollars; extension or renewal of corporate existence of any corporation, the same as required for the original certificate of organization by this Act; dissolution of corporation, change of name, change of nature of business, amended certificates of organization (other than those authorizing increase of capital stock), decrease of capital stock, increase or decrease of par value or of number of shares, twenty-five dollars; for filing annual exhibit of domestic and foreign corporations twenty dollars; for filing list of officers and directors, one dollar; and for all certificates not hereby provided for, five dollars. Provided, that none of these additional fees shall be required to be paid by any religious or charitable society or association, or educational association having no capital stock.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 92.

### AN ACT

TO AMEND SECTION 1634 OF THE REVISED LAWS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1634 of the Revised Laws is amended

so as to read as follows:

"Section 1634. Parties to causes pending before the Supreme Court shall be entitled to a hearing before all of the Justices thereof, and may not be compelled to go to trial before less than the full number thereof. Provided, however, that if any of the Justices of the Supreme Court shall be disqualified from sitting in any cause pending before the Supreme Court, or shall be unable to attend from sickness, accident, absence, or any other reason, his or their place or places for the trial and determination of such cause shall be filled by one or more of the Circuit Judges who has or have had no connection with the said cause either as counsel or in an official capacity, and who is or are not otherwise disqualified, and who is or are not unable to attend from sickness, accident, absence, or any other reason thereunto authorized by the written consent of the remaining Justice or Justices, and further provided that for the purpose of filling any such vacancy or vacancies the Circuit Judges of the First Circuit, called in rotation, beginning with the First Judge thereof, shall first be selected."

SECTION 2. This Act shall take effect on its approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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ACT 93.

7 242

AN ACT

RELATING TO FUNDS FOR THE PAYMENT OF THE EXPENSES OF  
THE SEVERAL COUNTIES.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Fifty per centum of the total amount of poll and school taxes and taxes on property and incomes, collected

L. 59, p. 121

in each County, shall be paid by the Treasurer of the Territory of Hawaii to the Treasurer of such County in the following manner:

1. The Auditor of the Territory shall on the last legal day of each and every month issue a monthly warrant on the Treasurer of the Territory in favor of each County Treasurer, such monthly Warrants for the half year from July to December 1905 inclusive, shall be in an amount not less than ten per cent, and thereafter in an amount not less than fifteen per cent, of the estimated Tax payable to each County within every half year, and within the first fifteen days of January and July in each year, the said Auditor of the Territory shall issue a Warrant on the Treasurer of the Territory in favor of each County Treasurer for an amount equal to the balance in favor of each County less the amount of the Warrants issued and interest paid for such Warrants, during the last preceding six months.

2. When any such Warrant is presented to the Treasurer of the Territory for payment, if there is money in the Treasury for that purpose, he shall pay the same and write or stamp on the face thereof "Paid", the date of payment and sign his name thereto, but when the same is not paid for want of funds, the Treasurer of the Territory shall first register the same in a book to be kept for that purpose, shall then endorse thereon "Not paid for want of funds" with the date of presentation, and sign his name thereto and return said Warrant to the party presenting the same. From that time until paid the Warrant shall bear five (5) per cent interest per annum and it shall thereafter be paid in the order of its registration out of the funds properly chargeable therewith.

3. When there are sufficient moneys in the Treasury to pay the Warrants drawing interest, the Treasurer of the Territory shall give notice for one week in some newspaper published in each County, or, if none is published therein, by written notice posted upon the Court House Door at the County Seat for the same length of time, stating therein that he is ready to pay

such Warrants. Ten days after the first publication or posting of such notice, such Warrants cease to draw interest.

4. When the Treasurer pays any Warrant upon which interest is due, he shall note on the warrant the amounts of interest paid therein, and enter on his account the amount of such interest distinct from the principal.

SECTION 2. The funds realized from such Warrants shall be applied by each County Treasurer to the payment of the expenses of his respective County.

SECTION 3. The road taxes as at present laid down by law shall be a special deposit in the Territorial Treasury to the credit of each Road District, and shall, by the Territorial Treasurer, be paid out to the County Treasurers of the Counties respectively within which the various Road Districts shall be. And the said Road Taxes shall be expended only for the making, maintaining and repairing of public roads and highways in the several road districts as authorized by the Supervisors of the County from time to time. encl' 09  
p. 180

The County Treasurer shall under no circumstances allow these special deposits or any part thereof to be used for any other purposes under appropriations by the Board of Supervisors except for the making, maintaining and repairing of the public roads and highways as aforesaid.

SECTION 4. That out of the taxes payable after July 1, 1905, for the year 1905, the Treasurer of the Territory is hereby authorized to reserve out of the share of each of the several Counties for the benefit of the Territory the following sums. From the County of Oahu, One Hundred and Twenty-five Thousand Dollars (\$125,000.00); from the County of Hawaii, Sixty Thousand Dollars (\$60,000.00); from the County of Maui, Forty Thousand Dollars (\$40,000.00); and from the County of Kauai, Thirty-five Thousand Dollars (\$35,000.00).



SECTION 5. Any officer or person who wilfully fails, neglects or refuses to comply with any of the provisions of this Act or violates the same, shall be guilty of a misdemeanor, and shall be punished with a fine of not less than One Thousand Dollars nor more than Five Thousand Dollars, or by imprisonment for One Year, or both.

SECTION 6. All laws or parts of laws so far as the same may be inconsistent with this Act are hereby repealed.

SECTION 7. This Act shall take effect from and after the date of its passage.

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We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all of the elective members of the Senate of the Territory of Hawaii, this 26th day of April, A. D., 1905.

D. PAUL R. ISENBURG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 26th day of April, A. D., 1905.

ERIC A. KNUDSEN,  
Speaker.

D. KALAUOKALANI, JR.,  
Clerk.

**ACT 94.****AN ACT**

**TO REPEAL SECTIONS 1373 AND 1374, OF THE REVISED LAWS  
OF HAWAII.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Sections 1373 and 1374 of the Revised Laws, relating to issuing Licenses to hunt with firearms upon the Island of Oahu, are hereby repealed.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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**ACT 95.****AN ACT**

**TO AMEND SECTIONS 2090, 2091 AND 2093 OF CHAPTER 133  
OF THE REVISED LAWS OF HAWAII, RELATING TO SUM-  
MARY PROCEEDINGS TO RECOVER POSSESSION OF LAND,  
AND ADDING A NEW SECTION THERETO TO BE KNOWN AS  
SECTION 2097 A.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 2090 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 2090. The person entitled to the possession of the premises may apply to any District Court, by a written com-

plaint setting forth his cause of action; and such District Court shall thereupon issue a writ, in the form used for an original summons in common civil actions in such court, whereby the defendant shall be summoned to answer the complaint of the plaintiff, for that the defendant is in the possession of the lands or tenements in question, describing those which beholds unlawfully and against the right of the plaintiff, and no other declaration shall be recognized, or summons issued. Such action shall be brought and prosecuted in any district where the lands and premises in question, or any part thereof, is or are situated. Provided, one or more of the defendants shall be found and served with process in such district, or in case such premises be in the possession and occupancy of a corporation, such service may be made within such district, upon any director or the manager of such corporation.

If any defendant cannot be found and served within such district, service may be made upon such defendant in any part of the Territory, and the trial of the action shall be delayed pending such service, and during ten days thereafter, provided that such trial need not be delayed for this purpose, after the appropriate officer shall return and certify to the court that any defendant named in such return cannot be found within the Territory. If no defendant individually sued, nor any director or manager of any corporation which shall be made defendant in such action shall hold residence within such district, such action may be brought in any district within the Judicial Circuit where such premises, or any thereof are situated, at the election of the plaintiff."

SECTION 2. That Section 2091 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2091. Such summons shall be served either:

1. By delivering to the defendants to whom it shall be directed and to each of them, (where there are more than one), and to any director or the manager of any defendant corpora-

tion, who can be found within the district where such premises, or any thereof, are situated, wherein such action has been commenced, a true copy of the complaint and of the summons in such action, and at the same time, showing him or them the original; or a copy thereof certified to be such, over the hand of the District Magistrate of such district.

2. In the event that any defendant cannot be found and served as hereinabove in this Section provided within such district, such service may be made in any district in the Territory.

3. If it shall appear by the certificate and return of the appropriate officer in the case of any defendant that such defendant cannot be found or served with process within the Territory, service as to such defendant may be made according to the special order of the District Court, but such order shall in any case include a direction to such officer to leave a true and attested copy of such complaint and summons with some agent, manager, overseer, luna or other employee of mature years of such defendant, provided such agent, manager, overseer, luna or other employee can be found upon such premises, or, if not upon said premises, then elsewhere within such district; and such order shall further include a direction to affix in a conspicuous place upon such premises, as upon the wall of any store, shop, dwelling or other building thereon, and if there be no such building, then upon some other permanent object thereon, as a tree or fence, such true and attested copy of such complaint and summons; and no trial shall be had, except by consent of all the defendants until ten days after such copies shall have been delivered or affixed, as in this paragraph provided. And such magistrate shall, before making such order, diligently inquire whether such defendant has any agent or other representative without such district, and within the Territory, and if it shall appear that such defendant has such agent or other representative, such order shall further require that a true and attested copy of such complaint and summons be deposited, postage paid in the post office nearest to such District

Court, addressed to such agent or representative, wherever he may be within the Territory."

SECTION 3. Section 2093 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2093. Any District Court before which such action may be pending for the recovery of premises may, upon the request of either party, adjourn the hearing of the suit for the purpose of enabling such party to procure his witnesses when it shall appear to be necessary, but such adjournment shall in no case exceed ten days unless upon consent of all parties. Provided, however, that the trial of such action shall not proceed without the consent of defendants, until ten days after service of complaint and summons, as in this Chapter provided, except where personal service has been made upon all of the defendants, within the district where such action is pending."

SECTION 3 A. A new Section is hereby added to Chapter 133 of the Revised Laws of Hawaii to be known as Section 2097 A., and to read as follows:

"Section 2097 A. Nothing in Section 1861 of the Revised Laws of Hawaii shall be construed as abridging the right of a landlord under Chapter 133, as amended by this Act, to the immediate issuance of a writ of possession, except as provided in Section 2097 of said Chapter."

SECTION 4. This Act shall take effect from and after its approval; and all laws and parts of laws inconsistent herewith are hereby repealed.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 96

## AN ACT

PROHIBITING CERTAIN GOVERNMENT OFFICERS PRACTICING  
LAW OR ACTING AS ATTORNEYS OR COUNSELLORS AT LAW,  
DURING THEIR TERM OF OFFICE.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The High Sheriff, Deputy High Sheriff, Sheriffs and their Deputies, are hereby prohibited from practising or acting as Attorneys or Counsellors at law, in any civil cause now pending or hereafter to be instituted in any court within the Territory of Hawaii, during their term of office.

SECTION 2. If any of the officers mentioned in Section 1 of this Act shall be guilty of violating any of the provisions thereof, he shall be guilty of a misdemeanor and be fined not to exceed fifty dollars.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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ACT 97.

## AN ACT

MAKING APPROPRIATIONS FOR THE DEPARTMENTAL USE OF  
THE TERRITORY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following additional sums, amounting to Fifteen Thousand Eight Hundred and Forty One Dollars and

Five Cents (\$15,841.05) are hereby appropriated to be paid out of all moneys in the Treasury of the Territory received from all current receipts of the general revenue, for the current expenses of the Departments, for the period commencing with the First day of July, 1904, and ending with the Thirtieth day of June, 1905.

DEPARTMENT OF JUSTICE.

*Judiciary Department.*

Pay of Jurors and Expenses, First		
Circuit Court . . . . .	\$ 5,000.00	
Pay of Jurors and Expenses, Sec-		
ond Circuit Court . . . . .	1,500.00	
Pay of Jurors and Expenses, Third		
Circuit Court . . . . .	2,000.00	
Pay of Jurors and Expenses, Fourth		
Circuit Court . . . . .	1,000.00	
Unpaid Bills, Jurors Fees and Ex-		
penses, Fifth Circuit Court to		
June 30, 1904 . . . . .	879.90	
Jurors Fees and Expenses, Fifth		
Circuit Court . . . . .	1,961.15	\$12,351.05
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DEPARTMENT OF THE ATTORNEY GENERAL.

*Attorney General's Office.*

Incidentals, Attorney General's Of-		
fice . . . . .	\$ 1,700.00	
Expenses of Witnesses in Criminal		
Cases . . . . .	1,800.00	3,500.00
		<hr/>
		\$15,841.05

SECTION 2. The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditure of any money from

the Treasury to be hereafter accounted for to the Legislature by Indemnity Bill, is hereby expressly prohibited.

SECTION 3. Any public official who shall falsely certify or approve for payment any bill or voucher against any item of this Act, shall be deemed guilty of a misdemeanor, for which the offender shall, on conviction thereof, be fined not less than Fifty Dollars nor more than Five Hundred Dollars. District Magistrates shall have jurisdiction in all cases under this Section.

SECTION 4. All agreements or contracts made and entered into by any public officer of the Territory of Hawaii by or under which public money is to be expended, shall be void and of no effect, unless the Auditor shall endorse thereon his certificate that there remains, unexpended and unapplied a balance in the fund or appropriation already made for such purpose, sufficient to cover the amount involved in such contract or agreement.

SECTION 5. This Act shall take effect on the date of its approval.

Approved this 26th day of April, A. D., 1905, except as to the items for "Unpaid Bills, Jurors Fees and Expenses, Fifth Circuit Court to June 30, 1904,—\$879.90, which I have vetoed.

G. R. CARTER,  
Governor of the Territory of Hawaii.



## ACT 98.

## AN ACT

TO AMEND AND RE-ENACT SECTIONS 2624, 2625 AND 2626 OF  
THE REVISED LAWS OF HAWAII, RELATING TO FOREIGN  
CORPORATIONS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. That Section 2624 of the Revised Laws of Hawaii, be and the same is hereby amended and re-enacted so as to read as follows:

"Section 2624. POWERS AND LIABILITIES. Every such corporation or company, on complying with the provisions of Section 2623 and paying to the Treasurer, a fee of Fifty Dollars, shall, subject to the provisions of Sections 2625 and 2629 have the same powers and privileges, and be subject to the same disabilities as are by law conferred on corporations constituted under the laws of this Territory, and shall, for the purposes for which they shall be constituted, have full power to hold, take and convey by way of sale, mortgage or otherwise, real, personal and mixed estate in this Territory. Provided always, that the purposes for which such corporation or company shall be constituted shall not be repugnant to or in conflict with any law of this Territory. Provided, further, that nothing herein contained, shall be construed to give any such corporation or company any of the special powers conferred by law upon railroad or banking corporations constituted under the laws of this Territory.

SECTION 2. That Section 2625 of the Revised Laws of Hawaii, be and the same is amended and re-enacted so as to read as follows:

ENDED  
176 "Section 2625. ANNUAL LICENSE. No foreign corporation, except foreign insurance companies, which does not in-

vest and use all its capital in this Territory, shall have an office or offices in this Territory for the use of its officers, stockholders, agents, or employees, unless it shall first have obtained from the Treasurer an annual license to do so; and for said license, every such corporation shall pay into the treasury of the Territory, for the use of the Territory, annually, the sum of Three Hundred Dollars, and the Treasurer shall not issue a license to any corporation until said license fee shall have been paid.

The Treasurer is hereby authorized to settle and have collected an account against any company violating the provisions of this Section for the amount of such license fee, together with a penalty for fifty per centum for failure to pay the same. Provided, that no license shall be necessary for any corporation engaged solely in the business of foreign or inter-state commerce, or while solely employed by the Government of the United States.

SECTION 3. That Section 2626 of the Revised Laws of Hawaii, be and the same is hereby amended and re-enacted so as to read as follows:

“Section 2626. PENALTY FOR NON-COMPLIANCE WITH STATUTES. Every person acting as agent, or assuming to act as agent of any foreign corporation which has failed to comply with any of the statutes regarding foreign corporations, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than One Hundred Dollars, nor more than Five Hundred Dollars; or by imprisonment for not more than six months, or by both such fine and imprisonment.) , ,

Every foreign corporation failing to comply with any of the statutes regarding foreign corporations shall be deemed guilty of a misdemeanor, and punished by a fine of not less than One Hundred Dollars, nor more than Five Hundred Dollars; which said fine shall be in addition to all fees, licenses and penalties in this Chapter provided; and shall be denied the benefit of the laws of the Territory, particularly the statute limiting the

time for commencement of civil actions or of criminal actions, and shall not be entitled to sue, plead or appear, except as here inbelow provided in any court of this Territory, for any cause of action whatever, while such neglect or refusal continues; provided, however, that the court may grant, in its discretion, additional time within which to comply with the statutes, when it shall appear that said corporation has a meritorious defense to any action brought against it."

SECTION 4. This Act shall take effect and be in force from and after its passage.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 99.

### AN ACT

PROVIDING FOR THE CONSTRUCTION OF ROADS THROUGH AND  
FROM PUBLIC LANDS OPENED FOR SETTLEMENT.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whenever any public lands are opened for settlement and it is deemed advisable by the Commissioner of Public Lands, said Commissioner may, with the approval of the Governor, set apart from the proceeds of the sales of such lands a sum, not to exceed fifty (50) per centum of the appraised value of said lands, to be used in providing for and constructing such road or roads through and from such lands to the public roads of the Territory as said Commissioner shall deem necessary. The Treasurer of the Territory shall keep all sums re-

ceived from the sales of such land in a separate deposit until the sum so set apart shall be realized, and shall deposit the proceeds thereafter received according to law. The sum on special deposit shall be disbursed on warrants drawn by the Auditor, and issued only on approved vouchers of the Superintendent of Public Works, who shall have full charge of and control over the construction of such road or roads, and the method, time and amount of construction; provided, however, that he shall contract for such construction, giving the preference in letting such contracts to settlers on such lands, and in no case shall contract for an amount in excess of the sum of money then held in said special deposit. Any balances remaining in such special deposits after the completion of the road or roads so provided for shall, on notification by said Superintendent to that effect, be used and disposed of by said Treasurer in the same manner as proceeds from such sales not placed on special deposit.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 100.

### AN ACT

#### RELATING TO BONDS OF PUBLIC OFFICERS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Attorney General, Treasurer, Commissioner of Public Lands, Superintendent of Public Works, Superintendent of Public Instruction, Auditor, Deputy Auditor,

Surveyor, High Sheriff, and President of the Board of Health, before entering upon the duties of their respective offices, shall each be required to furnish a bond to the Secretary of Hawaii in the amount required by law, and conditioned for the faithful performance of all their official duties. There shall be at least two sureties on each of such bonds, who shall be examined on oath by the Governor as to their qualifications and sufficiency. No bond shall be approved unless each of the sureties thereon is a resident and freeholder within the Territory, and unless all the sureties thereon (in the aggregate) are worth in real property situate in the Territory the amount of such bond over and above all sums for which such sureties are liable. Provided, however, that a corporation, organized for the purpose of becoming surety on such bonds, authorized under the laws of the United States to act as surety, and doing business in the Territory under the provisions of the laws of the United States and of the Territory may be accepted as surety on such bonds in lieu of the personal sureties hereinbefore required whenever in the opinion of the officer whose duty it is to approve such bonds the rights of all parties in interest will thereby be fully protected.

SECTION 2. The bond of any such officer shall be the following form:

KNOW ALL MEN BY THESE PRESENTS: That we (Name of Officer) of (Place of Residence), as principal, and (Name of Sureties) of (Place or Places of Residence), as sureties, are held and firmly bound to the Territory of Hawaii in the sum of ..... (\$ ..... ) Dollars, lawful money of the United States of America, for the payment of which, well and truly to be made, we do firmly bind ourselves, our heirs, executors and administrators, jointly and severally by these presents.

Signed at ..... this ..... day of ....., 19....

The Condition of this obligation is such that, whereas the above bounden (Name of Officer) was, on the ..... day of ....., 19...., duly appointed as (Name of Office) of the Territory of Hawaii,

NOW, THEREFORE, if the said (Name of Officer) shall faithfully perform all the duties of his office which are now and may hereafter be prescribed by law, and shall safely keep, promptly pay over to those legally entitled thereto, and faithfully account for all moneys which shall come into his possession or control by virtue of his office, then this obligation shall be void; otherwise, it shall be and remain in full force and virtue, and may be enforced in any manner or by any proceedings authorized by law.

(Signatures)

TERRITORY OF HAWAII }  
Island of ..... } ss

(Name of Sureties), being duly sworn, depose and say: That they are residents and freeholders within the Territory of Hawaii, and are worth in the aggregate in real property situate in said Territory the amount of the foregoing obligation over and above all sums for which they are already liable.

(Signatures)

Subscribed and sworn to before me, this  
..... day of ....., A. D. 19...

(Signature of officer administering oath)

Approved:

.....

When the surety on any such bond is a corporation, this form, with appropriate changes, shall be used, and no justification shall be required.

SECTION 3. It shall be the duty of the Governor of the Territory to prescribe the amount of the bond to be given by each of the officers named in Section 1 of this Act. No such bond

shall be for an amount less than Ten Thousand Dollars (\$10,000.00), nor shall the amount of any such bond exceed the greatest amount of money shown by the books of the Territory to have been in the possession or control of any of said officers at any one time during the preceding year, unless such amount is less than Ten Thousand Dollars (\$10,000.00).

SECTION 4. Each of the bonds of said officers shall be approved by the Governor as to the sufficiency, and by the Attorney General as to the form, except in case of his own bond. The Governor shall approve as to the form of the bond of the Attorney General. The approval shall in all cases be endorsed upon each bond, and signed by the officers making the same.

SECTION 5. The Treasurer of the Territory shall keep a book, to be called the "Bond Record," in which he shall make a true copy of each of such bonds, and after such record has been made, all such bonds, except his own, shall be kept on file in his office. The bond of said Treasurer, after such record of it has been made, shall be deposited with and kept on file in the office of the Auditor of the Territory. Said Treasurer, when receiving such bonds for record and filing shall issue receipts therefor, which receipts shall be filed in the office of said Auditor.

196 SECTION 6. All the Territorial officers named in Section 1 of this Act may require bonds from the deputies, clerks, assistants or employees in their offices or departments in such amounts as they may deem necessary, and in the form prescribed by law.

17 SECTION 7. The bonds of all officers shall be construed to cover all duties now or hereafter prescribed by law, and no bond shall be held void for formal defects therein.

SECTION 8. Nothing in this Act shall be held to prevent the Governor from requiring bonds of the Territorial officers not herein named; and it shall be the duty of the Governor to

require bonds of proper form and sufficient amount from any officer not herein named in all cases where in his opinion such security is necessary for the proper performance of the duties of any such officer and for the safe keeping and faithful accounting for all public moneys which may come into the possession or control of any such officer.

SECTION 9. If at any time the sureties, or any of them, on any official bond required or authorized by this Act shall die, remove from the Territory, become insolvent, or for any other cause in the opinion of the Governor cease to possess the qualifications required by this Act, the Governor shall require the officer giving such bond to give a new bond with sufficient sureties. On failure to give such bond within thirty days after demand thereof, such office shall become and be vacant.

SECTION 10. The provisions of this Act shall be held to require all persons holding the offices herein named to give bonds in the manner herein required. Immediately after the approval of this Act, it shall be the duty of the Governor to fix the amount of the bond to be given by the present incumbent of each office and to forthwith notify each of such officers to give the required bonds within thirty days of the date of such notification; for failure to give such bond within the designated time, such office shall become and be vacant.

SECTION 11. When any corporation, as hereinbefore designated, shall be surety on any official bond required or authorized by this Act, the premium due such corporation for acting as such surety shall be paid by the Territory.

SECTION 12. Every official bond, when not otherwise prescribed by law, shall be payable to the Territory of Hawaii, and all actions or proceedings for the enforcement of the same for the use and benefit of said Territory or of any person or persons damaged, shall be had and taken in the name of said Territory.



SECTION 13. In case the conditions of any bond prescribed or authorized by this Act shall be broken, the Territory or person damaged thereby may on motion before a Circuit Judge at Chambers prove such breach and the damage resulting therefrom, and shall thereupon be entitled to receive from such Judge an order directing the Clerk of the Circuit Court for the Circuit wherein such motion is made to enter up judgment for such damage against the principal and sureties on such bond and to issue execution thereon. Of any such motion, at least ten days written notice shall be given the principal and sureties on such bond.

SECTION 14. This Act shall take effect from the date of its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 101.

### AN ACT

TO AMEND SECTION 1205 OF THE REVISED LAWS OF HAWAII  
RELATING TO THE TAXATION OF BICYCLES AND ADDING A  
NEW SECTION TO BE KNOWN AS SECTION 1205 A.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1205 of the Revised Laws of Hawaii is hereby amended so that the same shall read as follows:

"Section 1205. All bicycles used for the conveyance of persons shall be subject to an annual tax of one dollar, (\$1.00) each, to be paid by the owners thereof. Upon receipt of such

tax the Assessor shall number and register each bicycle, for which said tax is paid, in the owner's name, and shall furnish the owner with a metallic tag for each bicycle with number and year marked thereon, charging therefor the sum of ten cents, which tag the owner shall attach to such bicycle. The High Sheriff of the Territory, his Deputy, the Sheriffs or Assessors of the several Islands, their Deputies and all members of the police force of the several districts of this Territory are hereby directed to seize every bicycle liable to taxation and not tagged as required by this Section, and to hold the same for a period of ten days, during which time it shall be subject to redemption by its owner on payment of the tax due, and a penalty of fifty cents. All bicycles not so redeemed shall be sold by the said High Sheriff or his Deputy, the Sheriffs or Assessors of the various Islands, or any Deputy Sheriff or Deputy Assessors of any district of this Territory at public auction after first giving five days' public notice of the time and place of such sale by advertisement in a newspaper, if one is published in the district, or by posting such notices in at least three public places in the district where such sale is to be held; such sale shall be made for the best price obtainable, which amount shall be forthwith paid over to the Tax Assessor, or his Deputy, for the district within which such sale took place, accompanied with a statement containing a description of such bicycles, their number, makes, and any other marks of identification; such Assessor, or his Deputy, shall, thereupon, after deducting from the amount so received the amount of the tax and penalty due, and costs of advertising, pay over to the owners of such bicycles any surplus there may be if it is possible to ascertain who the owners are, but if at the expiration of sixty days such owners remain unknown such surplus shall be paid into the Treasury of the Territory as a government realization.

SECTION 2. A new Section is hereby added after Section 1205 to be known as Section 1205 A to read as follows:

"Section 1205 A. False Tag. Misdemeanor. Any person

who shall use a tag not furnished in accordance with the provisions of Section 1205 or who shall use the same tag during two consecutive years, or who shall counterfeit any bicycle tag or who shall fraudulently remove a tag from any bicycle shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00."

SECTION 3. This Act shall take effect from and after the 31st day of December, 1905.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 102.

### AN ACT

RELATING TO TAXES ON GIFTS, LEGACIES, INHERITANCES, BEQUESTS, DEVICES, SUCCESSIONS AND TRANSFERS MADE IN CONTEMPLATION OF DEATH; PROVIDING FOR THEIR ESTABLISHMENT AND COLLECTION AND FOR THE ENFORCEMENT OF LIENS CREATED BY THIS ACT AND FOR SUITS TO QUIET TITLE AGAINST CLAIMS OR LIENS ARISING HEREUNDER: AND REPEALING CHAPTER 100 OF THE REVISED LAWS OF HAWAII ENTITLED "INHERITANCE TAX."

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All property which shall pass by will or by the intestate laws of this Territory, from any person who may die seized or possessed of the same while a resident of this Territory, or which, being within this Territory, shall so pass from any person who may so die while not a resident of this Terri-

INDEXED  
7-186

tory, or which, or any interest in or income from which shall be transferred by deed, grant, sale or gift, made in contemplation of the death of the grantor, vendor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, shall be and is subject to a tax hereinafter provided for, to be paid to the Treasurer of the Territory of Hawaii as hereinafter directed, for the use of the Territory; and such tax shall be and remain a lien upon the property passed or transferred until paid and the person to whom the property passes or is transferred and all administrators, executors, and trustees of every estate so transferred or passed shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. The tax so imposed shall be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted.

Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this Act, such appointment when made, shall be deemed a transfer taxable under the provisions of this Act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this Act shall be deemed to take place to the extent of such omissions or failures, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded there-

to by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

When the beneficial interest to any property or income therefrom shall so pass to or for the use of his or her father, mother, husband, wife, child, grandchild, or any child adopted as such in conformity with the laws of the Territory of Hawaii, the rate of the tax shall be Two Per Cent. of the fair market value of such property, received by each person, in excess of One Thousand Dollars; in all other cases the rate of tax shall be: Five per cent of the fair market value of such property in excess of Five Hundred Dollars.

SECTION 2. All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational public or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institutions, or associations of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof shall be exempt from this tax.

SECTION 3. When any grant, gift, legacy or succession upon which a tax is imposed by Section 1 of this Act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined in the manner provided in Section 12 of this Act, and the tax prescribed by this Act shall be immediately due and payable to the Treasurer of the Territory, and,

together with the interest thereon, shall be and remain a lien on said property until the same is paid; provided, that the person, persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the Treasurer of the Territory, in a penalty of twice the amount of the tax arising upon personal estate, with such sureties as a Circuit Judge at Chambers may approve, conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the Treasurer of the Territory; provided further, that such person shall make a full and verified return of such property to a Circuit Judge at Chambers, and file the same in the office of the Treasurer within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years.

SECTION 4. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequests, devisees, or residuary legacies exceed what would be a reasonable compensation for their services, such excess over and above the exemptions herein provided for shall be liable to said tax; and the Circuit Judge at Chambers, before who the probate proceedings are pending shall fix the compensation.

SECTION 5. All taxes imposed by this Act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be

charged and collected from the time said tax accrued ; provided, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in Section 3 of this Act for the payment of said tax, together with interest.

SECTION 6. The penalty of ten per cent. per annum imposed by Section 5 hereof, for the non-payment of said tax shall not be charged in cases where, in the judgment of the court, by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, the estate of any decedent, or a part thereof, cannot be settled at the end of eighteen months from the death of the decedent; and in such cases only seven per cent. per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed, after which ten per cent. interest per annum shall again be charged until the tax is paid; but litigation to defeat the payment of the tax shall not be considered necessary litigation.

SECTION 7. Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon, upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however,

such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; but if it be not in money he shall make application to the Circuit Judge, having jurisdiction, to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

SECTION 8. All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

SECTION 9. Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the Treasurer of the Territory, and the said Treasurer shall give, and every executor, administrator, or trustee shall take duplicate receipts for such payment, one of which receipts said executor, administrator, or trustee shall immediately file with the Circuit Judge having jurisdiction of the probate proceedings, whereupon it shall be a proper voucher in the settlement of his account; and an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless he shall produce a receipt so sealed and countersigned by the Treasurer, or a copy thereof, certified by him, and file the same with the Court aforesaid.

SECTION 10. Whenever any debts shall be proven against the estate of a decedent after the payment of legacies or distribution of property from which the said tax has been deducted or upon which it has been paid, and a refund is made by the legatee, devisee, heir or next of kin, a proportion of the tax so deducted or paid shall be repaid to him by the executor, admin-



istrator, or trustee, if the said tax has not been paid to the Treasurer.

SECTION 11. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this Territory standing in the name of a decedent, or in trust for a decedent, liable to any such tax, the tax shall be paid to the Treasurer of the Territory on the transfer thereof. No safe deposit company, trustee company, corporation, bank or other institution, person or persons having in possession or under control securities, deposits, or other assets of a decedent, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution, making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended delivery or transfer be served upon the Treasurer at least ten days prior to said delivery or transfer; nor shall any such safe deposit company, trust company, corporation, bank or other institution, person or persons deliver or transfer any securities, deposits or other assets of the estate of a non-resident decedent including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution, making the delivery or transfer, without retaining a sufficient portion or amount thereof to pay any tax and penalty which may thereafter be assessed on account of the delivery or transfer of such securities, deposits, or other assets including the shares of the capital stock of or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, under the provisions of this Act, unless the Treasurer consents thereto in writing. And it shall be lawful for the said Treasurer, personally, or by representative, to examine said securities, deposits or assets at the time of such delivery or transfer. Failure to serve such notice and to allow such examination, and to re-

tain a sufficient portion or amount to pay such tax and penalty as herein provided, shall render said safe deposit company, trust company, corporation, bank or other institution, person or persons liable to the payment of two times the amount of the tax and penalty due or thereafter to become due upon said securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution, making the delivery or transfer; and the payment as herein provided shall be enforced in an action brought in accordance with the provisions of Section Fifteen of this Chapter.

SECTION 12. When the value of any inheritance, devise, bequest, or other interest subject to the payment of said tax is uncertain, the Circuit Judge before who the probate proceedings are pending, on the application of any interested party, or upon his own motion, shall appoint some competent person or persons as appraisers, as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice, by mail, to all persons known to have, or claim an interest in such property, and to such persons as the Circuit Judge may by order direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same and make a report thereof, in writing, to said Circuit Judge, together with such other facts in relation thereto as said Circuit Judge may by order require to be filed with the clerk of said court; and from this report the said Circuit Judge shall, by order, forthwith assess and fix the market value of all inheritances, devisees, bequests, or other interests, and the tax to which the same is liable, and shall immediately cause notice thereof to be given, by mail, to all parties known to be interested therein; and the value of every future or contingent or limited estate, income, or interest shall, for the purposes of this Act, be determined by the rule, method, and standards of mortality and of value that are set forth in the actuaries combined experience tables of mortality for ascertaining the value of pol-

icies of life insurance and annuities, and for the determination of the liabilities of life insurance companies, save that the rate of interest, to be assessed in computing the present value of all future interests and contingencies shall be six per centum per annum; and the insurance commissioner shall, on the application of said Circuit Judge determine the value of such future or contingent or limited estate, income, or interest, upon the facts contained in such report, and certify the same to the Circuit Judge and his certificate shall be conclusive evidence that the method of computation adopted therein is correct. Every appraiser shall be paid on the certificate of the Circuit Judge at Chambers at the rate of Five Dollars per day for every day actually and necessarily employed in such appraisal, and his actual and necessary travelling expenses; the fees paid such witnesses, shall be the same as those now paid to witnesses subpoenaed to attend Courts of Record. Such fee as well as all other charges herein provided for, shall be paid out of the estate of the decedent as an expense of administration.

SECTION 13. Any appraiser appointed by virtue of this Act who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisoned for a period of ninety days, or both.

SECTION 14. The Circuit Judge at Chambers having jurisdiction of the decedents estate in this Territory, shall have jurisdiction to hear and determine all question in relation to the tax arising under the provisions of this Act.

SECTION 15. If it shall appear to the Circuit Judge that any tax accruing under this Act has not been paid according to law, he shall issue a citation, citing the persons known to own any interest in or part of the property liable to the tax or any

person or corporation liable under the law for the payment of said tax to appear before him at Chambers on a day certain, not more than ten weeks after the date of such citation, and show cause why said tax should not be paid.

Circuit Judges acting under this law shall have power to enter and enforce all appropriate orders and decrees and all other appropriate powers that may be exercised by Circuit Judges at Chambers whether in equity or probate.

SECTION 16. Whenever the Treasurer shall have reason to believe that any tax is due and unpaid under this Act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the Attorney General of the Territory, in writing, of such failure to pay such tax, and the Attorney General, so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding before the Circuit Judge as provided in Section Fifteen of this Act, for the enforcement and collection of such tax.

SECTION 17. The Treasurer of the Territory, shall furnish to each of the clerks of the several Circuit Courts a book, which shall be a public record, and in which he shall enter the name of every decedent, upon whose estate an application has been made to the Circuit Judges of the several Circuit Courts, for the issuance of letters of administration, or letters testamentary, or ancillary letters, the date and place of death of such decedent, the estimated value of his real and personal property, the names, places or residence, and relationship to him of his heirs-at-law, the names and places of residence of the legatees and devisees in any will of any such decedent, the amount of each legacy and the estimated value of any real property devised therein, and to whom devised. These entries shall be made from the data contained in the papers filed on any such application, or in any proceeding relating to the estate of the decedent. The Clerk of the Circuit Court, shall also enter in such book the amount of personal property of any such dece-

dent, as shown by the inventory thereof when made and filed in his office, and the returns made by any appraiser appointed by the Circuit Judge, under this statute, and the value of annuities, life estates, terms of years, and other property of such decedent, or given by him in his will or otherwise, as fixed by the Circuit Judge and the tax assessed thereon, and the amounts of any receipts for payment of any tax on the estate of such decedent under this statute filed with him. The clerk of the Circuit Court shall, on the first day of January, April, July and October of each year make a report in duplicate, upon forms to be furnished by the Treasurer containing all the data and matters required to be entered in such book, and also of the property from which, or the party from which, he has reason to believe the tax under this Act is due and unpaid, one of which shall be immediately delivered to the Treasurer and the other transmitted to the Attorney General.

SECTION 18. Whenever a Circuit Judge at Chambers shall certify that there was probable cause for issuing a citation and taking the proceedings specified in Section Fifteen of this Act, the Treasurer shall pay, or allow all expenses incurred for services of citation, and other lawful disbursements that have not otherwise been paid.

SECTION 19. The Treasurer shall collect all taxes that may be due and payable under this Act.

SECTION 20. The Treasurer, in his discretion, for the better furtherance of the purposes of this Act, shall be allowed to employ such special attorney or attorneys as he may deem necessary, who shall have all the authority conferred upon the Attorney General by Section Fifteen and Sixteen of this Act, and such attorney shall be paid for his services reasonable fees.

SECTION 21. Any person, or body politic or corporate shall, upon payment of the sum of fifty cents be entitled to a receipt from the Treasurer, or a copy of the receipt at his option, that

may have been given by said Treasurer for the payment of any tax under this Act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any decedent may have died seized, said tax has been paid, and by who paid, and whether or not it is in full of said tax; and said receipt may be recorded in the Clerk's office of the Circuit Court in which such estate was probated, in a book to be kept by said clerk for such purpose, which shall be labeled "Inheritance Tax."

SECTION 22. Every officer who fails or refuses to perform, within a reasonable time, any and every duty required by the provisions of this Act, or who fails or refuses to make and deliver within a reasonable time any statement or record required by this Act, shall forfeit to the Territory of Hawaii the sum of One Thousand Dollars, to be recovered in an action brought by the Attorney General in the name of the Territory.

SECTION 23. Chapter 100 of the Revised Laws of Hawaii relating to Inheritance Tax and all amendments thereto and all laws and parts of laws in conflict with this Act are hereby expressly repealed.

SECTION 24. The words "estate" and "property" as used in this Act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individuals, legatees, devisees, heirs, next of kin, grantees donees, vendees, or successors and shall include all personal property within or without the Territory. The word "transfer" as used in this Act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described. The word "decedent" as used in this Act shall include the testator, intestate, grantor, bargainor, vendor, or donor.

SECTION 25. In all cases where any tax has become or shall hereafter become a lien upon any property under or by virtue of any of the provisions of this Act the Attorney General may, whenever any property of said estate has been distributed without the payment to the Territory of all or any part of the taxes payable on account thereof under this Act bring and prosecute an action or actions in the name of the Territory as plaintiff, for the purpose of enforcing such lien or liens against all or any of the property subject thereto. In any such action the owner of any property or of any interest in property against which the lien of any such tax is sought to be enforced, and any predecessor in interest of any such owner whose title or interest was derived through any such decedent by will or succession or by decree or distribution of the estate of such decedent, and any lienor or incumbrancer subsequent to the lien of such tax may be made a party defendant. The enumeration in this section of the persons who may be made defendants shall not be deemed to be exclusive, but the joinder or nonjoinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases.

(a) Actions may be brought against the Territory for the purpose of quieting the title to any property, against the lien or claim of lien of any tax or taxes under this Act, or for the purpose of having it determined that any property is not subject to any lien for taxes under this Act. In any such action the plaintiffs may be any administrator or executor of the estate or will of any decedent, whether the said estate shall have been fully administered and the estate settled and closed or not, and any heir, legatee or devisee of any such decedent, or trustee of the estate or of any part of the estate of such decedent, or distributee of the estate or of any part of the estate of any such decedent, and any assignee, grantee or successor in interest of any of such persons, and all or any other persons who might be made parties defendant in any action brought by the Territory under the provisions of this section, and notwithstanding that

all or any of the persons enumerated in this section shall or may have assigned, granted, conveyed or otherwise parted with all or any interest in or title to the property, or any thereof, involved in any such claim of lien before the commencement of such action. All or any of the persons in this action enumerated may be joined or united as parties plaintiff. The enumeration in this section of the persons who may be made parties shall not be deemed to be exclusive, but the joinder or non-joinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases. In all cases any person who might properly be a party plaintiff in any such action who refuses to join as plaintiff may be made a defendant.

(b) All actions under this section shall be tryable before the Circuit Judge of the Judicial Circuit which has or which had jurisdiction of the administration of the estate of the decedent mentioned herein.

(c) Service of summons in the actions brought against the Territory shall be made on the Attorney General, and it shall be the duty of said Attorney General to defend all such actions.

(d) The procedure and practice in all actions brought under this section, except as otherwise provided in this Act, shall be governed by the provisions of the Revised Laws of Hawaii in relation to civil actions, so far as the same shall or may be applicable, including all provisions relating to motions for new trials and appeals.

(e) The remedies provided in this section shall be in addition to and not exclusive of any remedies provided in the sections preceding this section.

SECTION 26. This Act shall take effect and be in force from and after the date of its approval.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

RECORDED  
1905 9189



## ACT 103.

## AN ACT

## TO DECLARE CERTAIN LANDS AS PUBLIC PARKS.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The tracts of land hereinafter described are hereby declared to be public parks.

1. All that certain tract of land situated on Punchbowl Heights, bounded on the South and West by Prospect Street and its proposed extensions, on the North and East by Punchbowl Drive, as more fully described in C. S. F. and Map Number 1523 on file in the Government Survey Office, subject to existing leases, and excepting such portions thereof as are now the property of private parties, provided that the same be properly developed as a public park without unnecessary delay.

2. That certain tract of land at Waikiki known as lots 120, 121, 122, 123, 124, 125, 126, 127 and 128 and bounded on the East by Main Avenue, on the South by land of W. G. Irwin, on the West by the sea and on the North by land of the Estate of S. N. Castle as more fully described in Registered Map No. 1079 on file in the Government Survey Office, subject to the existing leases.

3. That certain tract of land situated at Waikiki, known as lots 135, 136, 137, 138 and 139, bounded on the East by Main Avenue, on the South by land of A. Gartenberg, on the West by the sea and on the North by the land of H. M. von Holt, more fully described in said Registered Map No. 1079 on file in the Government Survey Office, subject to existing leases.

SECTION 2. This Act shall become law from and after its approval.

Approved this 26th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## JOINT RESOLUTION NO. 1.

*Be It Resolved*, By the Legislature of the Territory of Hawaii in Third Regular Session assembled, that

The Delegate to Congress from this Territory, is hereby requested to urge the passage of the appropriation of One Hundred Fifty Thousand (\$150,000.00) Dollars from the Federal Treasury of the United States of America, as unanimously recommended by the Committee of the House of Representatives of the United States of America, in Report on the Bill introduced by Congressman Hepburn, on recommendation of Surgeon General Wyman of the United States Marine Hospital Service for the scientific treatment and effort to find a cure for the unfortunates on Molokai, and

*Be It Further Resolved* that the Congressional Delegate from the Territory of Hawaii be immediately notified by cable of the action of this Legislature and the unanimous support of this measure by the people of this Territory, and that certified copies be forwarded by the first out-going mail to the President of the United States of America, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Approved this 21st day of February, A. D. 1905.

(Signed) G. R. CARTER,  
Governor of the Territory of Hawaii.

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THE HOUSE OF REPRESENTATIVES,  
Honolulu, H. T., February 20, 1905.

We hereby certify that the foregoing Joint Resolution was adopted in the House of Representatives of the Territory of Hawaii on the 20th day of February, A. D. 1905.

ERIC A. KNUDSEN,  
Speaker, House of Representatives.  
D. KALAUOKALANI, JR.,  
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,  
Honolulu, H. T., February 21, 1905.

We hereby certify that the foregoing Joint Resolution was adopted in the Senate of the Territory of Hawaii on the 21st day of February, A. D. 1905.

D. PAUL R. ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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JOINT RESOLUTION NO. 2.

*Be it Resolved by the Senate, the House of Representatives  
Concurring:*

That the Committee of Ways and Means of the Senate, and the similar committee of the House of Representatives, are hereby appointed a Joint Committee of the Legislature of the year 1905; said Joint Committee is hereby authorized and empowered to burn up or destroy all paid up warrants of the Government which were paid on or before December 31st, A. D. 1902; and all actions of said Joint Committee relating to the same are hereby approved by the Legislature.

Approved this 1st day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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THE SENATE OF THE TERRITORY OF HAWAII,  
Honolulu, H. T., February 27, 1905.

We hereby certify that the foregoing Joint Resolution was

adopted in the Senate of the Territory of Hawaii on the 27th day of February, A. D. 1905.

D. PAUL R. ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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THE HOUSE OF REPRESENTATIVES,  
Honolulu, H. T., February 28, 1905.

We hereby certify that the foregoing Joint Resolution was adopted in the House of Representatives of the Territory of Hawaii on the 28th day of February, A. D. 1905.

ERIC A. KNUDSEN,  
Speaker.

D. KALAUOKALANI, Jr.,  
Clerk.

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### JOINT RESOLUTION NO. 3.

*Resolved by the Senate, the House of Representatives Concurring:*

That the Committee of Ways and Means of the Senate, and the similar committee of the House of Representatives, are hereby appointed a Joint Committee; said Joint Committee is hereby empowered and authorized to burn up or destroy all Hawaiian Silver and Gold Certificates which are cancelled and withdrawn from circulation; and all their actions relating to the same are hereby approved by the Legislature of the year 1905.

Approved this 3rd day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,  
Honolulu, H. T., February 28, 1905.

We hereby certify that the foregoing Joint Resolution was adopted in the Senate of the Territory of Hawaii on the 28th day of February, A. D. 1905.

D. PAUL R. ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES,  
Honolulu, H. T., March 1, 1905.

We hereby certify that the foregoing Joint Resolution was adopted in the House of Representatives of the Territory of Hawaii on the 1st day of March, A. D. 1905.

ERIC A. KNUDSEN,  
Speaker.

D. KALAUOKALANI, Jr.,  
Clerk.

JOINT RESOLUTION NO. 4.

*Resolved by the Senate and the House of Representatives of the  
Legislature of the Territory of Hawaii:*

THAT, in recognition of the valuable services rendered by the members of the Code Commission and the County Act Commission, the Secretary of the Territory of Hawaii be and is hereby authorized to present to each member of said Commissions and the Clerks thereof, a copy of the Revised Laws of Hawaii and the Session Laws of 1905.

Approved this 14th day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

HOUSE OF REPRESENTATIVES,  
Honolulu, T. H., March 4th, 1905.

We hereby certify that the foregoing JOINT RESOLUTION was adopted in the House of Representatives, Territory of Hawaii, on the 4th day of March, A. D. 1905.

ERIC A. KNUDSEN,  
Speaker, House of Representatives.

D. KALAUOKALANI, JR.,  
Clerk, House of Representatives.

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THE SENATE OF THE TERRITORY OF HAWAII,  
Honolulu, H. T., March 10th, 1905.

We hereby certify that the foregoing JOINT RESOLUTION was adopted in the Senate of the Territory of Hawaii on the 10th day of March, A. D. 1905.

D. PAUL R. ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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JOINT RESOLUTION NO. 5.

*Be it Resolved by the Senate and the House of Representatives of the Territory of Hawaii:*

That to commemorate the name of his late Majesty Kalakaua, during whose reign Hawaii made great advancement in material prosperity, the highway in Honolulu, Island of Oahu, leading from King Street to Kapiolani Park shall be known as Kalakaua Avenue.

Approved this 17th day of March, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,  
Honolulu, H. T., March 14, 1905.

We hereby certify that the foregoing Joint Resolution was adopted in the Senate of the Territory of Hawaii on the 14th day of March, A. D. 1905.

D. PAUL R. ISENBERG,  
President of the Senate.  
WILLIAM SAVIDGE,  
Clerk of the Senate.

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THE HOUSE OF REPRESENTATIVES,  
Honolulu, H. T., March 15, 1905.

We hereby certify that the foregoing Joint Resolution was adopted in the House of Representatives of the Territory of Hawaii on the 15th day of March, A. D. 1905.

ERIC A. KNUDSEN,  
Speaker.  
D. KALAUOKALANI, JR.,  
Clerk.

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JOINT RESOLUTION NO. 6.

*Whereas*, in the month of June 1903, there was paid into the Treasury through the Department of Public Works the sum of \$761.36 from the sale of Public Lands which said amount was deposited in the Treasury and treated as a Government realization when in fact it should have been placed to the credit of Land Sales Special Deposit.

*And Whereas* the period in which it was received is now closed and the Treasurer has not authority to transfer said sum to the account to which it should have been credited,

*Therefore be it resolved*, that the Treasurer of the Territory is hereby authorized to make the proper entries and transfer from current cash to Land Sales Special Deposit Fund the amount of \$761.36.

Approved this 25th day of April, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,  
Honolulu, H. T., April 17, 1905.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the Senate of the Territory of Hawaii on the 17th day of April, A. D., 1905.

D. PAUL R. ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES,  
Honolulu, H. T., April 24, 1905.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the House of Representatives of the Territory of Hawaii on the 24th day of April, A. D., 1905.

ERIC A. KNUDSEN,  
Speaker.

D. KALAUOKALANI, JR.,  
Clerk.



## JOINT RESOLUTION NO. 7.

*Whereas*, there is at present an appropriation of Four Thousand Dollars under the Loan Bill of 1903 for a steel or concrete bridge across the Kaukonahua Stream in the Waialua District, and

*Whereas*, the money for said bridge is at present in the Treasury of the Territory, and

*Whereas*, the said bridge cannot be constructed of steel or concrete for the amount of the appropriation to-wit: Four Thousand Dollars, and

*Whereas*, the said bridge, together with the grades and approaches thereto can be built for the amount of Four Thousand Dollars, if the said bridge be built of wood, and

*Whereas*, there is an immediate and urgent necessity for said road and bridge, inasmuch as there is at present no Government road immediately connecting Wahiawa and Waialua, but on the contrary travellers are obliged to go back towards Honolulu, a distance of one and one-half miles in order to get to Waialua from the Colony, or else pass over the private property of Dowsett Co., L'td., which privilege is subject to suspension at any time, and is at present threatened,

*Therefore, be it resolved* by the Legislature of the Territory of Hawaii, that the Superintendent of Public Works is hereby authorized and empowered to immediately proceed to expend the said appropriation in the construction of a wooden bridge and grades and approaches thereto instead of a steel or concrete bridge, as specified in the said Loan Bill.

Approved this 26th day of April, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII,

Honolulu, T. H., April 19th, 1905.

We hereby certify that the foregoing Joint Resolution passed  
Third reading in the House of Representatives of the Territory  
of Hawaii on the 19th. day of April, A. D. 1905.

ERIC A. KNUDSEN,

Speaker.

D. KALAUOKALANI, JR.,

Clerk of the House.

THE SENATE OF THE TERRITORY OF HAWAII,

Honolulu, T. H., April 24th, 1905.

We hereby certify that the foregoing Joint Resolution passed  
Third Reading in the Senate of the Territory of Hawaii on the  
24th. day of April, A. D. 1905.

D. PAUL R. ISENBERG,

President of the Senate.

WILLIAM SAVIDGE,

Clerk of the Senate.



# EXTRA SESSION.

1905.

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## ACT 1.

### AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING  
THE EXPENSES OF THE SENATE IN THE EXTRA SESSION OF  
THE LEGISLATURE OF THE TERRITORY OF HAWAII, OF THE  
YEAR 1905, FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Six Thousand Dollars (\$6,000.00) from the Public Treasury for the purpose of defraying the expenses of the Senate in the Extra Session of the Legislature of the Territory of Hawaii in the year 1905.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of May, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

## ACT 2.

## AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRITORY OF HAWAII IN THE EXTRA SESSION OF THE YEAR 1905 FROM THE PUBLIC TREASURY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. There shall be and hereby is appropriated the sum of Twelve Thousand Dollars (\$12,000.00) from the public Treasury for the purpose of defraying the expenses of the House of Representatives of the Legislature of the Territory of Hawaii in the Extra Session of the year 1905.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of May, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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ACT 3.

## AN ACT

MAKING ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENTAL USE OF THE TERRITORY OF HAWAII.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following additional sums, amounting to Forty-four Thousand, Six Hundred and Five Dollars and

Eleven Cents (\$44,605.11) are hereby appropriated to be paid out of all monies in the Treasury of the Territory received from all current receipts of the General Revenue for the Current Expenses of the Departments and the pay of employees for the period commencing with the first day of July, 1904, and ending with the thirtieth day of June, 1905.

# CURRENT EXPENSES, DEPARTMENTAL USE.

## EXECUTIVE DEPARTMENT.

### Governor's Office,

Incidentals . . . . .	\$ 575.00
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### Secretary's Office,

Incidentals . . . . .	500.00
Election Expenses, Transportation Registration Boards of Kauai and Maui between the Islands, including hire of canoe in landing Board on Lanai	225.00
Printing Revised Laws, as prepared by the Code Commission . . . . .	1,800.00
J. D. Avery, services incidental to draughting Act 39, Session Laws of 1905, Regular Session . . . . .	291.75

### Expenses of Board of Registration, 1st. District.

S. L. Desha . . . . .	\$ 84.00
Jos. Pritchard . . . . .	84.00
Eugene Lyman . . . . .	84.00
	<hr/>
	252.00

### Election Expenses, Board of Registration of Maui.

S. Kapu . . . . .	\$105.00
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Geo. Weight . . . . .	105.00	
W. F. Crockett . . . . .	105.00	
	<u>          </u>	\$ 315.00

Election Expenses, Board of Registration of Kauai and Niihau.

H. G. Smith . . . . .	\$ 14.00	
A. H. Rice . . . . .	14.00	
W. J. Sheldon . . . . .	14.00	
	<u>          </u>	42.00
		<u>          </u> \$ 4,000.75

DEPARTMENT OF FINANCE.

Treasurer's Office,

Incidentals (to reimburse the Treasurer for loss on debased coin collected during the last few years) . . . . .	50.60
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Bureau of Taxes,

Salaries and Commission for the Third Taxation Division . . . . .	\$ 600.00	
Incidentals, Oahu . . . . .	1,234.00	
Incidentals, Kauai . . . . .	278.50	
	<u>          </u>	\$ 2,163.10

DEPARTMENTAL OF INTERNAL IMPROVEMENTS.

Department of Public Works,

Departmental Expenses . . . . .	1,000.00
Roads and Bridges, Fourth District	5,000.00
Roads and Bridges, Fifth District	5,000.00
Roads and Bridges, North Hilo . . .	500.00
Roads and Bridges, South Hilo . . .	750.00
Roads and Bridges, North and South Kohala . . . . .	500.00

Roads and Bridges, North and South	
Kona . . . . .	500.00
Roads and Bridges, Lanai . . . . .	250.00
Roads and Bridges, Maui and Molo-	
kai . . . . .	1,250.00
Roads and Bridges, Koloa, Kauai..	750.00
Roads and Bridges, Waimea, Kauai	500.00
Roads and Bridges, Kau, Hawaii..	250.00
Kohala Jail . . . . .	100.00
Electric Lights, Honolulu . . . . .	2,000.00
Repairs to Tug "Eleu" . . . . .	1,918.82
Bureau of Water Works, .	
Running Expenses, Honolulu Wa-	
ter Works . . . . .	3,000.00
To reimburse W. B. Harrub . . . . .	50.00
To reimburse Captain Fitzgerald for	
Pilot Boat House and Office, built	
on Government Land, Hilo . . . . .	500.00
To reimburse W. E. Shaw . . . . .	65.00
	<hr/>
	\$23,883.82

## DEPARTMENT OF JUSTICE.

## Police Department,

Incidentals . . . . .	2,500.00
Support and Maintenance of Pris-	
oners . . . . .	3,500.00
Expenses, Supreme Court . . . . .	200.00
Expenses, Judiciary Department ..	400.00
To reimburse C. M. Kai . . . . .	200.00

## Land Registration Court,

Incidentals . . . . .	700.00
	<hr/>
	\$ 7,500.00



## DEPARTMENT OF PUBLIC INSTRUCTION.

## Superintendent's Office,

Stationery and Incidentals .....	\$ 1,222.34	\$ 1,222.34
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## BOARD OF HEALTH.

## Care of Lepers,

Medical Department, Settlement ..	1,867.00	
Indigent sick, other Islands than		
Oahu .. .. .	1,000.00	
Support of Non-leprous Female		
Children of Lepers .. .. .	500.00	
Repair, Board of Health Telephone,		
Island of Molokai .. .. .	50.00	
Expenses, Suppressing Epidemic at		
Pelekunu . . . . .	579.00	
	<hr/>	\$ 3,996.00

## PUBLIC LANDS.

## General Expenses.

Incidentals, Land Office .....	\$ 500.00	
To reimburse T. Awana for 36 acres		
purchased under erroneous pat-		
ent to Mrs. Kahananui in 1888..	201.60	
To reimburse Lam Wo Sing for rent		
paid March 9, 1903, under gener-		
al lease No. 551, now declared il-		
legal .. .. .	272.50	
To reimburse A. M. McBryde.....	12.00	
To reimburse C. B. Makee.....	37.00	
To reimburse W. J. Sheldon .....	16.00	
	<hr/>	\$ 1,039.10

PAYMENT OF SALARIES OF OFFICERS.  
DEPARTMENT OF JUSTICE.

Pay of Stenographers, Supreme Court	800.00	\$	800.00
			\$44,605.11

SECTION 2. All the foregoing items set forth in Section 1, under "Current Expenses, Departmental use," shall be subject to the provisions of Sections 2, 3, 4 and 5 of Act 13 of the Session Laws of 1904.

SECTION 3. All the foregoing items set forth in Section 1, under "Payment of Salaries of Officers," shall be subject to the provisions of Sections 2, 3 and 4 of Act 12 of the Session Laws of 1904.

SECTION 4. This Act shall take effect on the day of its approval.

Approved this 24th day of May, A. D. 1905, except as to the following items which I have vetoed and disapprove:

CURRENT EXPENSES, DEPARTMENTAL USE.  
EXECUTIVE DEPARTMENT.

"J. D. Avery, Services Incidental to  
Drafting Act 39, Session Laws of  
1905, Regular Session .....\$ 291.75

Expenses of Board of Registration, 1st  
District.

S. L. Desha . . . . .	\$ 84.00	
Jos. Pritchard . . . . .	84.00	
Eugene Lyman . . . . .	84.00	252.00

Election Expenses, Board of Registra-  
tion of Maui.

S. Kapu . . . . . \$105.00

Geo. Weight . . . . .	105.00	
W. F. Crockett . . . . .	105.00	\$ 315.00

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Election Expenses, Board of Registration of Kauai and Niihau.

H. G. Smith . . . . .	14.00	
A. H. Rice . . . . .	14.00	
W. J. Sheldon . . . . .	14.00	\$ 42.00

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DEPARTMENT OF INTERNAL IMPROVEMENTS.

DEPARTMENT OF PUBLIC WORKS.

Roads and Bridges, North Hilo . . . . .	500.00
Roads and Bridges, North and South Kohala . . . . .	500.00
Roads and Bridges, North and South Kona . . . . .	500.00
Roads and Bridges, Maui and Molokai . . . . .	1,250.00
Roads and Bridges, Koloa, Kauai . . . . .	750.00
Roads and Bridges, Waimea, Kauai . . . . .	500.00

BOARD OF HEALTH.

Indigent Sick, other Islands than Oahu . . . . .	1,000.00
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PUBLIC LANDS.

General Expenses.

To reimburse A. N. McBryde . . . . .	12.00	
To reimburse C. B. Makee . . . . .	37.00	
To reimburse W. J. Sheldon . . . . .	16.00	\$ 65.00

G. R. CARTER,

Governor of the Territory of Hawaii.

We hereby certify that the following items, after reconsideration on the veto of the Governor, were, upon a vote taken by

eyes and noses, approved by a two-thirds vote of all of the elective members of the Senate of the Territory of Hawaii on the 24th day of May, A. D. 1905, and by a two-thirds vote of all of the elective members of the House of Representatives of the Territory of Hawaii on the 25th day of May, A. D. 1905:

“CURRENT EXPENSES, DEPARTMENTAL USE.

EXECUTIVE DEPARTMENT.

J. D. Avery, Services Incidental to  
drafting Act 39, Session Laws of  
1905, Regular Session .....\$ 291.75”

“BOARD OF HEALTH.

Indigent Sick, other Islands than  
Oahu . . . . . 1,000.00”

D. PAUL R. ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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ERIC A. KNUDSEN,  
Speaker, House of Representatives.

D. KALAUOKALANI, JR.,  
Clerk, House of Representatives.

## ACT 4.

## AN ACT

MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE GOVERNMENT OF THE TERRITORY TO PAY THE UNPAID BILLS UP TO THE FIRST DAY OF JULY, A. D. 1904.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums of money, amounting to Eighteen Thousand, Three Hundred and Sixty-four Dollars and Nineteen Cents, (\$18,364.19) are hereby appropriated to be paid out of all moneys in the Treasury received from all the Current Receipts of the several revenues of the Territory of Hawaii to pay the Unpaid Bills of the Government of the Territory of Hawaii up to the First day of July, A. D. 1904.

## EXECUTIVE DEPARTMENT.

## Band Expenses.

Boosey & Co., London, Bill for Music, January, 1902 . . . . .	\$ 78.00
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## Hawaiian Postal Affairs.

## Claims for Cancelled Stamps:

William Hay . . . . .	\$ 25.61
E. W. Barnard . . . . .	43.57
W. G. Walker . . . . .	60.35
A. B. Lindsay . . . . .	53.97
William Horner . . . . .	62.37
A. C. Palfrey . . . . .	137.39
—————	\$ 383.26

## DEPARTMENT OF INTERNAL IMPROVEMENTS.

## Road Damages, Fourth District.

Kalakaua Avenue—Bishop Estate

Claim, Agreement for Fencing and Filling, May, 1902 .....	2,500.00
Kalakaua Avenue — John Ii Es- tate Claim, Agreement for Fenc- ing and Curbing, August, 1902..	110.00
Hotel Street — Pinehaka Anahu Claim, Condemned in 1902, one- fifth interest in 360 <sup>s</sup> square feet at 50c. . . . .	361.00
Beretania Street — S. Kauai Claim, July, 1903, 4472 square feet at \$0.023 . . . . .	102.85

#### Road Damages, Fifth District.

Beretania Street — Annie Akong Claim, 1900. Settlement Accept- able, 1095 square feet at 50c....	547.50
Beretania Street — American Board of Foreign Missions Claim, as per Agreement of September 9, 1901	1,000.00
Maunakea Street — Mary Kahai Claim, 1886, Commission Award 870 square feet at \$1.25.....	1,087.50

#### Road Damages, Hilo.

Mrs. J. Vierra Claim, 1903, Settle- ment . . . . .	230.00
Mrs. Kamakaheikuli, Claim for 19,- 652 square feet of land used for road, Honokaa, Hamakua . . . . .	50.00

#### Roads and Bridges, South Hilo.

L. M. Whitehouse, Bill, Storage Bridge Material, December, 1903	180.00
John Lycurgus, Claim 1903 .....	550.00

## Roads and Bridges, North Hilo.

Unpaid Bills, Road Board, June,  
1904.

Wilder & Co., Ltd. ....	55.69	
Wilder's Steamship Co., Ltd. ....	164.55	
Pacific Hardware Co., Ltd. ....	28.35	
T. H. Davies & Co., Ltd.	3.20	
Allen & Robinson, Ltd. ..	534.70	
		\$ 786.49

## Superintendent of Public Works.

To pay the American-Hawaiian Engineering and Construction Company, Limited, in full of all claim and damage of every na- ture whatsoever, including, loss, interest, deterioration, work and labor performed and material fur- nished, upon, about or in connec- tion with the Brewer Wharf in Honolulu . . . . .	2,500.00
Hilo Railroad Co., Bill, December 31, 1903, Supplies Hilo Water Works . . . . .	99.65
Hilo Sugar Co., Ltd., Claim: Rent 1903-1904 for Public Pound, as per Recorded Lease . . . . .	60.00

## Lahaina Water Works.

Pioneer Mill Co., Ltd., Claim: Set- tlement for Reservoir Site, under Agreement, 1901 . . . . .	500.00
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## Road Damages, Hana, Maui.

W. K. Keoho Claim, One-sixth of an acre, Kipahulu, 1900 .....	50.40
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## Road Damages, Kona, Hawaii.

Claim Kaopumomona . . .	100.00	
Claim Kamahalo . . . . .	75.00	175.00

Bishop Estate Claim, as per agree- ment for land taken, 35,000 feet fencing at 5c, entered into Aug- ust, 1897 . . . . .	1,750.00
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## Hilo Fire Department.

To Hilo Electric Light Co.	\$101.50	
To Hilo Telephone Co. ....	36.00	
To Richard & Schoen .....	32.50	
To E. Fuhr . . . . .	18.00	188.00

## TREASURY DEPARTMENT.

Ellen K. Coelho, Refund of Taxes .....	\$41.10	
T. L. Holloway, Refund of Taxes . . . . .	31.90	
To reimburse Chow Lee .....	17.00	\$ 90.00

## BUREAU OF AGRICULTURE AND FORESTRY.

Incidentals — To Reimburse R. C. L.  
Perkins for advances made:

December, 1903, to American Ento- mological Co. . . . .	78.15	
July, 1903, Cost of Registering Prof. Koebele's Note Books .....	3.15	81.30



## BOARD OF HEALTH.

Claim, O. Tollefsen, for Yacht "Volante" . . . . .	250.00	
Claim, D. Himeni for Paiai . . . . .	450.00	
Bill, H. Hackfeld & Co., Hilo Hospital Supplies . . . . .	35.88	
Bill, L. Turner & Co., Hilo Hospital Supplies . . . . .	58.48	
Bill, T. H. Davies & Co. . . . .	21.50	
Bill, Hyman Brothers . . . . .	110.60	
Bill, Wilder's Steamship Co. . . . .	334.23	
A. Lindsay, Treasurer Hilo Shippers' Wharf Committee, for Sanitary protection of the Port of Hilo . . . . .	1,047.70	\$ 2,308.39

## DEPARTMENT OF JUSTICE.

## Judiciary.

Expenses, Second Circuit,		
Telephone Bill to December 31, 1903 . . . . .	45.00	
E. da Silva, pay as Bailiff, Fourth Circuit . . . . .	425.00	
W. H. Beers, interpreting in Fourth Circuit Court . . . . .	20.00	
To reimburse Ridgway & Ridgway for services rendered Fourth Circuit . . . . .	50.00	
To reimburse Ah Nam . . . . .	25.00	
Mileage and Fees of Jurors, 2nd Circuit Court, June Term 1904..	92.90	
Expenses 2nd. Circuit Court, June Term, 1904 . . . . .	42.50	
Jurors Fees and Expenses, Fifth Circuit, Bill to June 30, 1904....	879.90	
W. J. Yates, Expenses as Witness,		

Ter. vs. E. M. Jones .....	19.00
D. K. Kealohapauole, Expenses as Witness, Ter. vs. E. M. Jones...	19.00
Solomon Nahupu, Expenses as Wit- ness, Ter. vs. E. M. Jones .....	19.00
Reimbursement, Frank R. Green- well, passage money, Ter. vs. Me- heula . . . . .	20.00
Expenses and Pay of Jurors, 1st Cir- cuit Court, June Term, 1904 ...	32.50

Police Department.

Jurors Fees (Coroners Jury on Ka- lepa, J. P. Miao and Kulamanu- ole) . . . . .	36.00
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Incidentals, Oahu:

Hawaiian Hardware Co., Ltd., Bill Dec. 18, 1903, Furnishing Waia- nae Court House . . . . .	9.20
Young Brothers, Bill, Trips to "Othello" March 21, 1904 .....	29.50
H. Wood, M. D., Bill, May 29, 1904, post mortem on Sato Guitaro ...	25.00
John M. Kea, Bill, Dec. 30, 1903..	4.05
Pacific Transfer Co., Bill, Dec. 30, 1903 . . . . .	1.25
David L. Withington, Bill, Dec. 30, 1903 . . . . .	3.95

Incidentals, Maui:

R. J. McGettigen, M. D., Services on Post Mortem . . . . .	40.00
Lahaina Stables, Bill, May 11-12, 1904 . . . . .	23.50

Wailuku Stables, Bill, November,			
1903 . . . . .	8.25		
Dack Wo, Bill, December, 1903...	10.50		
Jacinto Estella, June, 1904, Bill...	2.00		
Bismark Stables, Lahaina, June,			
1904, Bill . . . . .	28.00	\$	112.25

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## Incidentals, Hawaii:

Hawaiian News Co., Ltd., Bill, Oc-			
tober, 1903 . . . . .	\$ 7.60		
Hilo Electric Light Co., Ltd., Bill,			
October, 1903 . . . . .	12.25		
Volcano Stables and Transportation			
Co., Ltd., Bill, October, 1903..	8.75		
City Stables, Bill, Oct. 1903 . . . .	7.50		
Kohala Club and Transportation			
Co., Bill, November, 1903 . . . .	7.00		
Volcano Stables and Transportation			
Co., Ltd., Bill, November, 1903.	6.75		
H. Akona, Bill, Dec. 1903 . . . . .	4.00		
Hawaiian Gazette Co., Ltd., Bill,			
December, 1903 .. . . .	12.00		
Geo. Kaiser, Bill, Dec. 1903 . . . .	9.50		
Makai, Bill, Dec. 1903 . . . . .	5.00		
Chang Ching, Bill, Dec. 1903 . . . .	3.00		
H. Hall, Bill, Dec. 1903 . . . . .	7.50		
L. A. Andrews, Bill, Dec. 1903 ...	2.00		
H. B. Nalimu, Bill, Dec. 1903 . . . .	1.25		
Volcano Stables and Transportation			
Co., Ltd., Bill, December, 1903.	1.25		
John de Mello, Bill, Apr. 1903...	12.00		
John Gaspar, Bill, Apr. 1903 . . . .	24.50		
W. A. Schwallie, M. D., post mor-			
tem in Kau . . . . .	20.00	\$	151.85

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## Support and Maintenance of Prisoners:

Hawaii, Ah Tong, Meals, December 1903, Bill . . . . .	5.00
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## Expenses of Witnesses Civil and Criminal Cases:

Hawaii, Volcano Stables and Transportation Co., Ltd., Bill, Nov. 1903 . . . . .	22.00		
P. L. Weaver, Travelling Expenses	327.00		
P. L. Weaver, Books and stamps for Court of Land Registration . . . .	56.00	\$	410.00

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## BOARD OF EDUCATION.

Bergstrom Music Co. . . . .	57.00
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## DEPARTMENT OF PUBLIC LANDS.

Claim, A. McBryde, Nov. 1902 . . . .	12.00		
Claim, C. B. Makee, Nov. 1902 . . . .	37.00		
Claim, W. J. Sheldon, Nov. 1902 . . .	16.00		65.00

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\$18,364.19

SECTION 2. The Auditor shall not issue warrants in payment of any of the above amounts, unless receipts in full are filed therefor, and the same are approved by the head of the Department under which the items are inserted.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 26th day of May, A. D. 1905, except as to the following items, which I have vetoed and disapprove:

## DEPARTMENT OF INTERNAL IMPROVEMENTS.

1.	"Mrs. Kamakaheikuli, Claim for 19,652 square feet of land used for road, Honokaa, Hamakua."	\$ 50.00"
2.	"John Lycurgus, Claim 1903 ..	550.00"
3.	"To pay the American-Hawaiian Engineering and Construction Company, Limited, etc., etc. . .	2,500.00"
4.	"Road Damages, Kona, Hawaii: Claim, Kaopumomona. \$100.00 Claim, Kamahalo . . . .	75.00      175.00"
5.	"Hilo Fire Department.  To Hilo Electric Light Co. . . . \$ To Hilo Telephone Co. . . . . To Richard & Schoen . . . . . To E. Fuhr . . . . .	101.50 36.00 32.50 18.00 <hr/> \$ 188.00"

## BOARD OF HEALTH.

6.	"Claim, O. Tollefsen, for Yacht 'Volante,' . . . . .	250.00"
7.	"Bill, Wilder's Steamship Co. . .	334.23"
8.	"A. Lindsay, Treasurer, Hilo Shippers' Wharf Committee, for sanitary protection of the Port of Hilo . . . . .	1,047.70"

## DEPARTMENT OF JUSTICE.

9.	"To reimburse Ridgway & Ridg- way for services render- ed Fourth Circuit . . . . .	50.00"
10.	"To reimburse Ah Nam . . . . .	\$ 25.00"

11.	"W. J. Yates, Expenses as Witness, Ter. vs. E. M. Jones . . . .	19.00"
12.	"D. K. Kealohapauole, Expenses as Witness, Ter. vs. E. M. Jones	19.00"
13.	"Solomon Nahupu, Expenses as Witness, Ter. vs. E. M. Jones	19.00"

## POLICE DEPARTMENT.

14.	"John M. Kea, Bill, Dec. 30, 1903	4.05"
15.	"Pacific Transfer Co., Bill Dec. 30, 1903 . . . . .	1.25"
16.	"David L. Withington, Bill, Dec. 30, 1903 . . . . .	3.95"
17.	"John de Mello, Bill, Apr. 1903	12.00"
18.	"John Gaspar, Bill, Apr. 1903..	24.50"

## COURT OF LAND REGISTRATION.

19.	"P. L. Weaver, Traveling Expenses . . . . .	327.00"
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G. R. CARTER,  
Governor of the Territory of Hawaii.

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**ACT 5.**
**AN ACT**

**MAKING APPROPRIATION FOR THE DEPARTMENTAL USE OF  
THE TERRITORY.**

*Be it Enacted by the Legislature of the Territory of Hawaii:*

**SECTION 1.** The sum of Two Thousand Dollars (\$2,000.00) is hereby appropriated to be paid out of all moneys in the Treas-

ury of the Territory of Hawaii received from all current receipts of the general revenues for the current expenses of the Departments for the period commencing with the first day of June, 1904, and ending with the 30th day of June, 1905, for the Department of the Attorney General, under the heading "Expenses of Witnesses in Criminal Cases."

SECTION 2. This Act shall take effect on the date of its approval.

Approved this 27th day of May, A. D. 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 6.

### AN ACT

MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE GOVERNMENT OF THE TERRITORY OF HAWAII DURING THE TWO YEARS WHICH WILL END WITH THE THIRTIETH DAY OF JUNE, A. D., 1907.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums of money, amounting to One Million, Three Hundred and Seventy-seven Thousand Dollars, (\$1,377,000.00) are hereby appropriated out of any moneys which may be received by the Treasurer for or on account of the Loan Fund during the biennial period ending June 30, 1907, inclusive of any balance which may be brought forward from the previous biennial period.

SECTION 2. GENERAL APPROPRIATIONS FOR ALL ISLANDS.

Government Building, Hilo . . . . .	\$ 40,000.00
Court House and Jail, District of North Kona . . . . .	8,000.00
Court House and Jail, Lihue, Kauai	25,000.00
New Court House and Jailor's Cot- tage, Pearl City, Oahu . . . . .	5,000.00
Court House, Wailuku, Maui . . . . .	25,000.00
New Court House, Paia, Maui . . . . .	3,500.00
New Court House, Keokea, Maui . . . . .	1,500.00
New Court House, Keanae, Maui . . . . .	1,000.00
Extension of Wharf System, Hono- lulu . . . . .	300,000.00

#### Educational Buildings, Oahu—

Kalihiwaena School . . . . .	25,000.00
Kawaihapai School . . . . .	1,500.00
Pauoa School . . . . .	2,500.00
Educational Buildings, Hawaii . . . . .	18,000.00
Hilo High School . . . . .	20,000.00
School House, Teacher's Cottage and Tank, Kaauhuhu, N. Kohala . . . . .	1,500.00
Educational Buildings, Maui . . . . .	14,000.00
Educational Buildings, Kauai . . . . .	16,740.00
New Building for Home of Non-Lep- rous Male Children of Leprous Parents, Oahu . . . . .	6,000.00
Condemnation and Purchase Water Rights for Lahaina Water Works . . . . .	30,000.00
Lahaina Water Works . . . . .	500.00
Wailuku and Kahului Water Works . . . . .	2,000.00
Laupahoehoe Water Works . . . . .	1,920.00
Honolulu Water Works, General . . . . .	200,000.00
Purchase of Pauoa Water, also the impounding and delivery of the same . . . . .	80,000.00



Koloa Water Works, Kauai . . . . .	5,000.00	
Waimea Water Works, Kauai . . . .	10,000.00	
Kalawao and Kalaupapa Water Works . . . . .	15,000.00	
Court House and Jail, North Hilo..	2,500.00	\$861,160.00

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## ISLAND OF HAWAII.

Extension Sewer System, Hilo to complete Contract . . . . .	20,000.00	
New Road Niulii to Honokane . . . .	13,500.00	
Completion Kahuku Lava Flow Road, Kau . . . . .	7,000.00	
Completion Pahala Volcano Road..	15,000.00	
Completion Road Waimea to Kona.	10,000.00	
District Court House, Waiohinu . . .	2,000.00	
Relocation and Completion Road Oo- kala to Kukaiau . . . . .	20,000.00	
Homestead Roads, Olaa . . . . .	6,000.00	
New Road from Kona Orphanage to Main Road leading from Holua- loa to Kailua . . . . .	2,000.00	
Alika and Papa Homestead Road...	3,500.00	
Road from Government Road to Ho- naunau School House . . . . .	500.00	
New Road Miloliikai to Kapua....	500.00	
Widening and Regrading Belt Road from Kaohe, South Kona to Kau boundary . . . . .	4,000.00	
New Road Kaohe Homesteads, Pu- na . . . . .	4,000.00	
Extension Bridge Street, Hilo . . . .	5,000.00	
Extension Kalapana Road, Puna ..	4,000.00	117,000.00

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## ISLAND OF MAUI.

Lahaina Fire Station and Equip- ment . . . . .	5,000.00	
Completion Wailuku Fire Station and Jail . . . . .	5,000.00	
New Road Keokea to Pulehu Kahu- lui Road . . . . .	10,000.00	
Relocation Honolua - Honokawai Road . . . . .	2,000.00	
Extension Belt Road Nahiku-Kailua	25,000.00	
Extension Belt Road Wailua to Pu- aaluu . . . . .	10,000.00	
Approaches from Government Road to McGregor's Landing . . . . .	3,180.00	
New Road Wailau to Pukoo, Molokai	3,500.00	
Relocating Kawela Road . . . . .	1,000.00	
Relocating Pali Road, Kalae to Ka- laupapa . . . . .	1,000.00	
Relocating Road from Lahaina to Maalaea . . . . .	5,000.00	
Approaches and Landing Mokulau, Kaupo, Maui . . . . .	1,000.00	71,680.00
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## ISLAND OF KAUAI.

## Extension Belt Road System—

Kalihiwai to Moloaa . . . . .	26,000.00
Kalihiwai to Hanalei . . . . .	10,000.00

New Bridges and Culverts with Ap-  
proaches—

District of Waimea . . . . .	3,500.00	
District of Koloa . . . . .	4,000.00	
District of Kawaihau . . . . .	3,000.00	46,500.00
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## ISLAND OF OAHU.

Extension of Sewer System and	
Storm Drains . . . . .	36,500.00
New Laundries . . . . .	14,500.00
Extension and Completion, Manoa	
Drive . . . . .	12,000.00
Completion Palolo Road . . . . .	10,000.00
Relocating Roads leading East from	
Pali Avenue . . . . .	1,500.00
Relocating Kailua Road from Kula-	
kula to Kaelepulu . . . . .	1,500.00
Wailupe, Pukele and Waiomao	
Homestead Roads . . . . .	4,000.00
Horse Shoe Road around Pauoa Val-	
ley . . . . .	20,000.00
Relocating and Constructing Kalihi	
Valley Road . . . . .	10,000.00
Completion Campbell Road from	
Kaiulani to Diamond Head Road	3,000.00
Completion Kaha Avenue from Ka-	
naina to Campbell Road . . . . .	500.00
Widening Nuuanu Avenue above	
Judd Street . . . . .	15,000.00
Extension of Bates Street to Liliha	
Street . . . . .	7,500.00
New Road West End Judd Street	
mauka Puunui Drive to Nuuanu	
Road . . . . .	10,000.00
New Road West End Judd Street	
makai to School Street . . . . .	10,000.00
District of Koolaupoko—	
Relocating Belt Road, Bridges	
and Culverts for same . . . . .	19,660.00

Kaalaea Breakwater and concrete Culverts . . . . .	2,500.00
Concrete Bridge, Kaneohe . . . .	8,000.00

## District of Koolauloa—

Concrete Bridges, Culverts and Breakwater of stone or Concrete, Koolauloa . . . . .	5,000.00
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## District of Waialua—

Concrete Bridges, Culverts and Approaches to Bridges, Waialua District . . . . .	8,500.00
New Roads, Waialua District ..	5,000.00

## District of Ewa and Waianae—

New Road, Aiea to Railroad Station . . . . .	2,000.00
Kalauao to Railroad Station ...	800.00
Relocating Government Road at Kalauao . . . . .	1,000.00
Concrete Bridges and Culverts..	20,000.00
Extension Kuakini Road to Luso Street . . . . .	8,000.00
Extension School Street to Kamehameha IV Road . . . . .	18,500.00
Extension Broad Lane to Kukui Street . . . . .	600.00
Concrete Bridges, Kalakaua Avenue	5,000.00
New Road connecting College Hills District with Moiliili Road and extension of Metcalf Street to said proposed road (providing the property owners give rights of way without charge) . . . . .	10,000.00

Widening Road Between Kapiolani Park and Diamond Head Light House . . . . .	4,000.00	
Purchase Water Pipe lines, College Hills District, Manoa, Oahu, and a permanent right of way to lay water pipes in the streets of said District . . . . .	6,100.00	280,660.00
		<hr/> \$1,377,000.00

SECTION 3. In the construction of all new roads and bridges, and in the expenditure of all specific appropriations for new roads and bridges, it shall first be necessary that the Superintendent of Public Works or his representative shall approve the same, and all such work shall be under the supervision of the Superintendent of Public Works or his representative, and the final acceptance of all such work shall be on the certificate from such Superintendent of Public Works or his representative that the same has been done in a good and workmanlike manner, as provided by the contract and specifications.

SECTION 4. It shall be lawful for the Treasurer to continue to make payments in accordance with the appropriations authorized by this Act from any unexpended balance until the whole of the sums hereinbefore appropriated are expended as herein provided. But should any Government official divert the excess of any appropriation, or any part thereof, above cost of construction of such work, to any other purpose, he shall be guilty of embezzlement.

SECTION 5. Every contract for constructing public works, or for furnishing material therefor amounting to Five Hundred Dollars (\$500.00) or more, shall be awarded to the lowest responsible bidder who shall furnish a sufficient bond only upon public advertisement for tenders; and no public work or require-

ment for material therefor shall be divided or parcelled out for the purpose of evading the provisions of this section.

SECTION 6. All agreements or contracts made and entered into by any officer of the Territory of Hawaii by or under which public money is to be expended, shall be void and of no effect unless the Auditor shall endorse his certificate that there remains, unexpended and unapplied, a balance in the fund or appropriation already made for such purpose, sufficient to cover the amount involved in such contract or agreement.

SECTION 7. Any public official who shall falsely certify or approve for payment any bill or voucher against any item of this Act, shall be deemed guilty of a misdemeanor, for which the offender shall, on conviction thereof, be fined not less than Fifty Dollars nor more than Five Hundred Dollars. District Magistrates shall have jurisdiction in all cases under this section.

SECTION 8. This Act shall take effect from and after the date of its approval.

Approved this 29th day of May, A. D., 1905.

G. R. CARTER,  
Governor of the Territory of Hawaii.

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## ACT 7.

### AN ACT

PROVIDING FOR SALARIES AND PAY OF EMPLOYEES OF THE TERRITORY.

*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums amounting to One Million, Four Hundred and Fifty-six Thousand, Two Hundred and

Eight Dollars (\$1,456,208.00) are hereby appropriated to be paid out of all the moneys in the Treasury of the Territory received from all current receipts of the general revenues, for the payment of salaries of officers and the pay of employees for the period commencing with the First day of July, 1905, and ending with the Thirtieth day of June, 1907.

### EXECUTIVE DEPARTMENT.

#### SECRETARY OF THE TERRITORY.

Salary of Chief Clerk..(\$150.00)	\$	3,600.00	
Salary of First Assistant Clerk . . . . .(\$100.00)		2,400.00	
Pay of Stenographer..		1,800.00	
Pay of Additional Clerk		1,800.00	
Pay of Messenger . . . .		960.00	
Salary of Superintendent, Board of Immigration . . . . .(\$ 25.00		600.00	\$ 11,160.00
		<hr/>	

### DEPARTMENT OF FINANCE.

#### TREASURY DEPARTMENT.

Salary of Treasurer ..(\$250.00)	6,000.00
Salary of Registrar of Public Accounts ...(\$225.00)	5,400.00
Salary of Book-keeper and Deputy Insurance Commissioner..(\$175.00)	4,200.00
Salary of License Clerk . . . . .(\$115.00)	2,760.00
Salary of Corporation Clerk . . . . .(\$ 80.00)	1,920.00
Salary of Stenographer and Typewriter . . . . (\$ 75.00)	1,800.00

Salary of Recording Clerk and Messenger.(\$ 75.00)	1,800.00	23,880.00
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## BUREAU OF TAXES.

## First Taxation District, Oahu—

Salary of Tax Assessor, Oahu . . . . .(\$225.00)	5,400.00	
Salary of Deputy Assessor, Oahu . . . . .(\$175.00)	4,200.00	
Salaries and Commissions of Deputy Tax Assessors and Collectors, Clerks and Interpreters, Oahu . . . . .	46,400.00	56,000.00

## Second Taxation District, Maui—

Salary of Tax Assessor, Maui . . . . .(\$175.00)	4,200.00	
Salaries and Commissions of Deputy Tax Assessors and Collectors, Maui . . . . .	15,000.00	19,200.00

## Third Taxation District, Hawaii—

Salary of Tax Assessor, Hawaii . . . . .(\$200.00)	4,800.00	
Salaries and Commissions of Deputy Tax Assessors and Collectors, Hawaii . . . . .	25,000.00	29,800.00



Fourth Taxation District, Kauai—

Salary of Tax Assessor, Kauai . . . . . (\$166.66 2-3)	4,000.00	
Salaries and Commissions of Deputy Tax Assessors and Collectors, Kauai . . . . .	14,000.00	18,000.00
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BUREAU OF CONVEYANCES.

Salary of Registrar . . . (\$200.00)	4,800.00	
Salary of Deputy Registrar and Indexer . . . (\$125.00)	3,000.00	
Pay of Two Clerks, Conveyance Bureau. (\$ 75.00)	3,600.00	
Pay of Five Clerks, Conveyance Bureau. (\$ 60.00)	7,200.00	18,600.00
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PERMANENT SETTLEMENTS.

Queen Liliuokalani . . (\$625.00)	15,000.00	
Mrs. Emma Barnard (\$16.66 2-3)	400.00	
Mrs. Kamakani Simeona . . . . . (\$16.66 2-3)	400.00	
Mrs. Mary Stolz . . . (\$16.66 2-3)	400.00	
Mrs. Paahao . . . . . (\$16.66 2-3)	400.00	
Mrs. Mahelona . . . . . (\$16.66 2-3)	400.00	17,000.00
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DEPARTMENT OF INTERNAL IMPROVEMENTS.

DEPARTMENT OF PUBLIC WORKS.

Salary of Superintendent of Public Works. (\$300.00)	7,200.00
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Salary of Assistant Superintendent and Supervising Engineer and Superintendent of Water Works ... (\$250.00)	6,000.00
Salary of Chief Clerk and Clerk of Market. (\$200.00)	4,800.00
Salary of First Assistant Clerk . . . . . (\$150.00)	3,600.00
Salary of Second Assistant Clerk . . . . . (\$125.00)	3,000.00
Territorial Road and Sewer Superintendent . . . . . (\$200.00)	4,800.00
Salary of Stenographer, Typewriter, etc. . . . (\$100.00)	2,400.00
Salary of Clerk and Office Boy . . . . . (\$ 75.00)	1,800.00
Salary of Clerk to Assistant Superintendent . . . . . (\$125.00)	3,000.00
Salary of Stenographer to Assistant Superintendent . . . . . (\$ 75.00)	1,800.00
Pay of Road Engineers, Draughtsmen, Inspectors, Transitmen, Chainmen, etc. . . . .	10,000.00
Salary of Harbor Master, Honolulu . . . . (\$225.00)	5,400.00
Salary of Assistant Harbor Master, Honolulu (\$125.00)	3,000.00
Salary of Gunpowder and Kerosene Oil Keeper, Honolulu .. (\$125.00)	3,000.00

Pay of Three Pilots, Honolulu, each . . . . (\$200.00)	14,400.00	
Salary of Pilot, Hilo, without fees, and Gunpowder and Kero- sene Oil Keeper . . . (\$150.00)	3,600.00	
Salary of Pilot, Kahu- lui without fees, and Gunpowder and Ker- osene Oil Keeper . . (\$150.00)	3,600.00	
Salary of Pilots' Watchman, Diamond Head . . . . . (\$ 75.00)	1,800.00	
Pay of Eight Pilot Boys, Honolulu, each . . . . . (\$ 45.00)	8,640.00	
Pay of Pilot Boys, Hilo	780.00	
Pay of Pilot Boys, Ka- hului . . . . .	780.00	
Salary of Pilots' Watch- man, Pilots' Office, Honolulu . . . . . (\$ 50.00)	1,200.00	94,600.00
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## BUREAU OF WATER WORKS.

Salary of Chief Engi- neer, Honolulu Wa- ter Works . . . . . (\$150.00)	3,600.00
Salary of Clerk, Hono- lulu Water Works . . (\$120.00)	2,880.00
Salary of Assistant Clerk, Honolulu Wa- ter Works . . . . . (\$ 75.00)	1,800.00
Pay of Reservoir Keep- ers . . . . .	3,240.00

Pay of Tappers and Helpers . . . . .	6,000.00	
Pay of Shipping Ten- ders . . . . .	2,880.00	
Pay of Five Engineers, each . . . . . (\$125.00)	15,000.00	
Pay of Five Firemen.	7,200.00	
Salary of Superintend- ent Wailuku and Ka- hului Water Works. (\$ 75.00)	1,800.00	
Salary of Superintend- ent of Hilo Water Works and Sewers.. (\$100.00)	2,400.00	
Salary of Superintend- ent of Laupahoehoe Water Works . . . . (\$ 2.00)	48.00	
Salary of Superintend- ent of Lahaina Wa- ter Works . . . . . (\$ 60.00)	1,440.00	
Salary of Superintend- ent of Koloa Water Works . . . . . (\$ 5.00)	120.00	
Salary of Superintend- ent of Waimea Water Works . . . . . (\$ 40.00)	960.00	\$ 49,368.00

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## PUBLIC GROUNDS.

Pay Rolls, Government Buildings . . . . .	5,760.00
Pay of Two Guards, Public Buildings . . .	2,880.00
Salary of Keeper of Mausoleum and Grounds . . . . . (\$ 50.00)	1,200.00

Salary of Keeper of Makiki Cemetery . . . (\$ 50.00)	1,200.00	
Salary of Janitor and Keeper Capitol and Buildings . . . . . (\$ 75.00)	1,800.00	
Pay of Assistant Jani- tors, Government Buildings, Two (at \$30 each)	1,440.00	14,280.00
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## BOARD OF AGRICULTURE AND FORESTRY.

Salary of Superintend- ent of Forestry . . . . (\$250.00)	6,000.00	
Pay of Assistant Labor- ers and Rangers, Di- vision of Forestry . . . . .	4,000.00	
Salary of Superintend- ent of Entomology . . (\$250.00)	6,000.00	
Pay of Assistants, In- spectors and Employ- ees, Division of Ent- omology . . . . .	5,000.00	
Salary of Clerk and Stenographer . . . . (\$ 75.00)	1,800.00	
Salary of Territorial Veterinarian . . . . .	1,400.00	
Pay of Assistants, In- spectors, Employees and Laborers of Divi- sion of Animal In- dustry . . . . .	1,000.00	25,200.00
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## PUBLIC LANDS.

## COMMISSION OF PUBLIC LANDS.

Salary of Commissioner (\$250.00)	6,000.00
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Salary of Secretary and Sub-Agent, F i f t h Land District . . . . . (\$150.00)	3,600.00	
Salary of First Clerk.. (\$100.00)	2,400.00	
Salary of Second Clerk. (\$ 75.00)	1,800.00	
Pay of Sub-Agents and Rangers . . . . .	8,000.00	21,800.00
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## SURVEY DEPARTMENT.

Cal. 69.		
Salary of Surveyor.... (\$250.00)	6,000.00	
Salary of Chief Assist- ant . . . . . (\$175.00)	4,200.00	
Salary of First Assist- ant . . . . . (\$165.00)	3,960.00	
Salary of Second As- sistant . . . . . (\$145.00)	3,480.00	
Salary of Messenger.. (\$ 40.00)	960.00	18,600.00
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## DEPARTMENT OF JUSTICE.

## JUDICIARY DEPARTMENT.

Salary of Clerk of Ju- diciary . . . . . (\$200.00)	4,800.00	
Salary, Judge of the Land Court . . . . . (\$150.00)	3,600.00	
Salary, Clerk of the Land Court . . . . . (\$100.00)	2,400.00	
Salary of Stenographer Judiciary Depart- ment to be appointed by Supreme Court.. (\$100.00)	2,400.00	
Salary.. of Assistant Clerk . . . . . (\$ 60.00)	1,440.00	
Pay of Janitors. . . . . (\$ 40.00)	960.00	

Pay of Interpreters, in all Courts not specif- ically provided for..	3,000.00
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## SUPREME COURT.

Salary of First Deputy Clerk . . . . . (\$150.00)	3,600.00
Salary of Second Depu- ty Clerk . . . . . (\$150.00)	3,600.00
Salary of Stenographer (\$100.00)	2,400.00
Salary of Bailiff, Libra- rian and Messenger, Supreme Court . . . . (\$ 75.00)	1,800.00

## FIRST CIRCUIT.

Salary of Third Deputy Clerk . . . . . (\$100.00)	2,400.00
Salary of Fourth Depu- ty Clerk . . . . . (\$100.00)	2,400.00
Salary of Fifth Depu- ty Clerk . . . . . (\$100.00)	2,400.00
Salary of Three Steno- graphers, one to be appointed by each Judge, each . . . . . (\$150.00)	10,800.00
Salaries of Two Hawai- ian Interpreters each (\$100.00)	4,800.00
Salary of Japanese In- terpreter . . . . . (\$100.00)	2,400.00
Salary of Chinese In- terpreter . . . . . (\$100.00)	2,400.00
Salary of Three Bail- iffs, one to be appoint- ed by each Judge each (\$75.00)	5,400.00

Salary of District Magistrate, Honolulu .. (\$200.00)	4,800.00
Pay of Clerks and Interpreters, Honolulu District Court .....	5,640.00
First Clerk .....	(\$100.00)
Second Clerk .....	(\$ 75.00)
Interpreters . . . . .	(\$ 60.00)
Salary of District Magistrate, Ewa .....	(\$ 90.00)
Salary of District Magistrate, Waianae ...	(\$ 40.00)
Salary of District Magistrate, Waialua ...	(\$ 50.00)
Salary of District Magistrate, Koolauloa ..	(\$ 40.00)
Salary of District Magistrate, Koolaupoko (\$ 40.00)	960.00

## SECOND CIRCUIT.

Salary of Deputy Clerk, Second Circuit ....	(\$100.00)
Salary of Assistant Clerk and Bailiff of Circuit Court and Clerk and Interpreter District Court...	(\$ 50.00)
Salary of District Magistrate, Lahaina ...	(\$ 65.00)
Salary of District Magistrate, Wailuku ...	(\$100.00)
Salary of Second District Magistrate, Makawao (at Honuaula)	(\$20.00)
Salary of District Magistrate, Makawao ..	(\$ 75.00)



Salary of District Magistrate, Hana . . . . .	(\$ 50.00)	1,200.00
Salary of District Magistrate, Kipahulu ..	(\$ 30.00)	720.00
Salary of District Magistrate, Molokai ...	(\$ 40.00)	960.00
Salary of District Magistrate, Lanai . . . . .	(\$ 10.00)	240.00
Salary of District Magistrate, Kalau-papa . . . . .	(\$ 20.00)	480.00

## THIRD CIRCUIT.

Salary of Deputy Clerk Third Circuit . . . . .	(\$ 75.00)	1,800.00
Salary of District Magistrate, North Kohala	(\$ 50.00)	1,200.00
Salary of District Magistrate, South Kohala	(\$ 40.00)	960.00
Salary of District Magistrate, North Kona.	(\$ 50.00)	1,200.00
Salary of District Magistrate, South Kona.	(\$ 40.00)	960.00
Salary of District Magistrate, East and West Kau . . . . .	(\$ 50.00)	1,200.00

## FOURTH CIRCUIT.

Salary of Deputy Clerk Fourth Circuit . . . . .	(\$100.00)	2,400.00
Salary of Assistant Clerk, Messenger and Interpreter, Fourth Circuit . . . . .	(\$ 75.00)	1,800.00

Salary of Stenographer, Fourth Circuit . . . . (\$100.00)	2,400.00
Salary of Clerk and In- terpreter, District Court, South Hilo . . . (\$ 75.00)	1,800.00
Salary of District Mag- istrate, South Hilo . . (\$135.00)	3,240.00
Salary of District Mag- istrate, North Hilo . . (\$ 50.00)	1,200.00
Salary of District Mag- istrate, Hamakua . . . (\$ 80.00)	1,920.00
Salary of District Mag- istrate, Puna . . . . . (\$ 40.00)	960.00

## FIFTH CIRCUIT.

Salary of Deputy Clerk Fifth Circuit . . . . . (\$ 75.00)	1,800.00	
Salary of District Mag- istrate, Lihue . . . . . (\$ 80.00)	1,920.00	
Salary of District Mag- istrate, Koloa . . . . . (\$ 50.00)	1,200.00	
Salary of District Mag- istrate, Waimea . . . . (\$ 75.00)	1,800.00	
Salary of District Mag- istrate, Kawaihau . . (\$ 50.00)	1,200.00	
Salary of District Mag- istrate, Hanalei . . . . (\$ 50.00)	1,200.00	\$125,280.00

## ATTORNEY GENERAL'S OFFICE.

Salary of Attorney Gen- eral . . . . . (\$300.00)	7,200.00
Salary of First Deputy Attorney General . . (\$225.00)	5,400.00
Salary of Second Depu- ty Attorney General. (\$200.00)	4,800.00

Salary of Third Deputy Attorney General .. (\$200.00)	4,800.00	
Pay of Court Officers..	2,000.00	
Salary of Clerk to At- torney General .... (\$125.00)	3,000.00	
Salary of Stenographer to Attorney General (\$100.00)	2,400.00	29,600.00
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## POLICE DEPARTMENT.

Salary of High Sheriff and Warden of Oahu Prison and Honolulu Jail . . . . . (\$225.00)	5,400.00	
Salary of Clerk to High Sheriff . . . . . (\$100.00)	2,400.00	

## JAILORS AND GUARDS.

Salary of Deputy Jailer Oahu Prison . . . . . (\$125.00)	3,000.00	
Salary of Deputy Jailer Honolulu Jail . . . . . (\$125.00)	3,000.00	
Pay of Jailors and Guards of Prisoners.	68,040.00	
Oahu . . . . . \$39,840.00		
Hawaii . . . . . 12,720.00		
Maui . . . . . 9,720.00		
Kauai . . . . . 5,760.00		
Pay of Lunas . . . . .	10,000.00	91,840.00
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## DEPARTMENT OF PUBLIC INSTRUCTION.

## SUPERINTENDENCE.

Salary of Superintend- ent . . . . . (\$250.00)	6,000.00
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Salary of Three Normal Inspectors, including traveling expenses, each . . . . . (\$200.00)	14,400.00
Salary of Secretary . . . (\$125.00)	3,000.00
Salary of Stenographer and Book Clerk . . . (\$ 75.00)	1,800.00
Salary of Assistant Sec- retary and School Agent, Honolulu . . . (\$125.00)	3,000.00

## SCHOOLS.

Pay Roll, Support of Schools . . . . .	550,000.00	578,200.00
Salary of School Agents	5,000.00	
Salary of Superintend- ent of Boys' Indus- trial School . . . . . (\$125.00)	3,000.00	
Salary of Two Teachers Boys' Industrial School . . . . . (\$100.00)	2,400.00	
Salary of Matron Girls' Industrial School (\$83.33 1-3)	2,000.00	
Salary of Teachers, Girls' Industrial School . . . . . (\$ 60.00)	1,440.00	
Pay of Guards and As- sistants, Boys' Indus- trial School . . . . .	3,600.00	
Pay of Guards and As- sistants, Girls' Indus- trial School . . . . .	1,200.00	
Salary of Mechanical		

Instructor, Boys' Industrial School .... (\$100.00)	2,400.00	21,040.00
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## BOARD OF HEALTH.

## SUPERINTENDENCE.

Salary of President and and Executive Officer (\$250.00)	6,000.00	
Salary of Secretary... (\$150.00)	3,600.00	
Salary of Registrar General and Clerk.. (\$125.00)	3,000.00	
Salary of Stenographer (\$ 75.00)	1,800.00	
Salary of Janitor and Messenger . . . . . (\$ 40.00)	960.00	
Salary of Office Clerks.	3,600.00	18,960.00

## SANITATION.

Salary of Chief Sanitary Officer and Inspector of Cemeteries (\$150.00)	3,600.00	
Salary of Sanitary Inspectors, 8 at \$75.00 per month each.....	14,400.00	
Salary of Sanitary Inspector and Inspector of Buildings, Plumbing and House Sewers and Inspector of Dairies and Milk, Fish and Food, Hilo. (\$125.00)	3,000.00	
Salary of Sanitary Inspector and Inspector of Buildings, Plumbing and House		

Sewers and Inspector of Dairies and Milk, Fish and Food, Wai- luku and Kahului..(\$ 75.00)	1,800.00	
Salary of Inspector of Buildings, Plumbing and House Sewers, Honolulu . . . . .(\$160.00)	3,840.00	26,640.00

## FOOD COMMISSIONER'S DEPARTMENT.

Salary of Food Com- missioner and Analyst.(\$175.00)	4,200.00	
Salary of Meat, Milk and Dairies Inspec- tor . . . . .(\$175.00)	4,200.00	8,400.00

## QUARANTINE SERVICE.

Salary of Bacteriologist and Pathologist ....(\$175.00)	4,200.00	
Salary of Morgue At- tendant and Driver.(\$ 75.00)	1,800.00	6,000.00

## CARE OF LEPERS.

Segregation and care of Lepers, including 1 Assistant Physician, Pay Roll . . . . .	52,000.00	
Non-Leprous Female Children, Pay Roll.	3,840.00	55,840.00

## INSANE ASYLUM.

Insane Asylum Pay Roll	27,960.00	27,960.00
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## GOVERNMENT PHYSICIANS.

## Pay of Government

Physicians as per  
monthly schedule;  
for physicians resi-  
dent in Districts  
named, who shall act  
as Agents of the  
Board of Health in  
their several Dis-  
tricts, examine the  
Public Schools and  
pupils, attend the in-  
digent sick free of  
c h a r g e, perform  
the duties of Regis-  
trar of Births, Deaths  
and Marriages, and  
to make autopsies for  
Coroner's Inquests,  
free of charge.....

26,160.00

Waimea, Kauai .....	\$ 25.00
Lihue, Kauai .....	25.00
Hanalei, Kauai .....	70.00
Kawaihau, Kauai .....	25.00
Koloa, Kauai .....	25.00
Ewa, Oahu .....	10.00
Waianae, Oahu .....	10.00
Waialua, Oahu .....	10.00
Koolauloa and Kahuku, Oahu .....	50.00
Koolaupoko, Oahu .....	50.00
Lahaina, Maui .....	25.00
Makawao, Maui .....	25.00
Hana, Maui .....	75.00

Wailuku, Maui .....	25.00
Kihei, Kula and Ulupala- kua, Maui .....	50.00
Molokai .....	75.00
North and South Kona..	125.00
(The physician to re- side not more than one and one-half miles from the boundary line of the two Districts.)	
South Kohala .....	75.00
North Kohala .....	40.00
Hamakua . . . . .	25.00
South Hilo, Chief Health Officer and Government Physician . . . . .	100.00
North Hilo .....	25.00
Puna. . . . .	75.00
Kau . . . . .	50.00

## AUDITING DEPARTMENT.

Salary of Auditor....(\$250.00)	6,000.00	
Salary of Deputy Au- ditor. . . . .(\$175.00)	4,200.00	
Clerical Assistance ...	12,600.00	22,800.00
Total .....		\$1,456,208.00

SECTION 2. The Auditor shall not draw a warrant in payment of any of the objects named in this Act, except as herein provided, and the unauthorized expenditure of any money from the Treasury to be hereafter accounted for to the Legislature by Indemnity Bill, is hereby expressly prohibited.

SECTION 3. No officer or other employee of the Territory holding more than one office or employment shall be authorized



to draw more than the salary of the highest grade of the office or employment held by him, provided the aggregate salaries to any one person shall not exceed One Hundred Dollars per month; and he shall be entitled to no other or further compensation.

SECTION 4. It shall be lawful for the Treasurer to continue to make payments in accordance with appropriations authorized by this Act, until the thirtieth day of June, 1907; provided, that the Auditor shall not draw a warrant for any sum on account of any bill for salaries or pay rolls in this Act in excess of the due proportion of the amount appropriated for such item for the time elapsed.

SECTION 5. This Act shall take effect on the first day of July, 1905.

Approved this 29th day of May, A. D. 1905, except as to the following items which I have vetoed and disapprove:

#### DEPARTMENT OF JUSTICE.

##### SECOND CIRCUIT.

"Salary of Assistant Clerk and Bailiff  
 "of Circuit Court and Clerk and In-  
 "terpreter District Court . . . . . (\$ 50.00)    \$ 1,200.00

#### DEPARTMENT OF INTERNAL IMPROVEMENTS.

##### PUBLIC GROUNDS.

"Salary of Keeper of Makiki Cemetery (\$ 50.00)    \$ 1,200.00

#### DEPARTMENT OF PUBLIC HEALTH.

##### SANITATION.

"Salary of Sanitary Inspector and In-  
 "spector of Buildings, Plumbing and  
 "House Sewers and Inspector of

"Dairies and Milk, Fish and Food,	
"Wailuku and Kahului.....(\$ 75.00)	\$1,800.00

## GOVERNMENT PHYSICIANS.

"Pay of Government Physicians as per "monthly schedule; for physicians "resident in Districts named, who "shall act as Agents of the Board of "Health in their several Districts, "examine the Public Schools and "pupils, attend the indigent sick free "of charge, perform the duties of "Registrar of Births, Deaths and "Marriages, and to make autopsies "for Coroner's inquests, free of "charge .....	\$26,160.00
"Waimea, Kauai .....	\$ 25.00
"Lihue, Kauai .....	25.00
"Hanalei, Kauai .....	70.00
"Kawaihau, Kauai .....	25.00
"Koloa, Kauai .....	25.00
"Ewa, Oahu .....	10.00
"Waianae, Oahu .....	10.00
"Waialua, Oahu .....	10.00
"Koolauloa and Kahuku, Oahu.....	50.00
"Koolaupoko, Oahu .....	50.00
"Lahaina, Maui .....	25.00
"Makawao, Maui .....	25.00
"Hana, Maui .....	75.00
"Wailuku, Maui .....	25.00
"Kihei, Kula and Ulupalakua, Maui.	50.00
"Molokai .....	75.00
"North and South Kona.....	125.00
"(The physician to reside not more "than one and one-half miles from	

"the boundary line of the two districts.)

"South Kohala .....	75.00
"North Kohala .....	40.00
"Hamakua .....	25.00
"South Hilo, Chief Health Officer and "Government Physician .....	100.00
"North Hilo .....	25.00
"Puna .....	75.00
"Kau .....	50.00

G. R. CARTER,

Governor of the Territory of Hawaii.

We hereby certify that the following item, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-thirds vote of all the elective members of the Senate and House of Representatives of the Territory of Hawaii on the 29th day of May, A. D. 1905:

GOVERNMENT PHYSICIANS.

Pay of Government Physicians as per monthly schedule; for Physicians resi- dent in Districts named, who shall act as Agents of the Board of Health in their several Districts, examine the Public Schools and pupils, attend the indigent sick free of charge, perform the duties of Registrar of Births, Deaths and Marriages, and to make au- topsies for Coroners inquests, free of charge .....	26,160.00
Waimea, Kauai .....	25.00
Lihue, Kauai .....	25.00
Hanalei, Kauai .....	70.00
Kawaihau, Kauai .....	25.00
Koloa, Kauai .....	25.00

Ewa, Oahu .....	10.00
Waianae, Oahu .....	10.00
Waialua, Oahu .....	10.00
Koolauloa and Kahuku, Oahu.....	50.00
Koolaupoko, Oahu .....	50.00
Lahaina, Maui .....	25.00
Makawao, Maui .....	25.00
Hana, Maui .....	75.00
Wailuku, Maui .....	25.00
Kihei, Kula and Ulupalakua, Maui....	50.00
Molokai .....	75.00
North and South Kona.....	125.00
(The Physician to reside not more than one and one-half miles from the boundary line of the two Districts).	
South Kohala . . . . .	40.00
North Kohala .....	40.00
Hamakua .....	25.00
South Hilo, Chief Health Officer and Government Physician .....	100.00
North Hilo .....	25.00
Puna .....	75.00
Kau .....	50.00"

D. PAUL R. ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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ERIC A. KNUDSEN,  
Speaker, House of Representatives.

D. KALAUOKALANI, JR.,  
Clerk, House of Representatives.

## ACT 8.

## AN ACT

MAKING APPROPRIATIONS FOR THE DEPARTMENTAL USE OF  
THE TERRITORY.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums, amounting to One Million Four Hundred and Fifty-Seven Thousand, Three Hundred and Fifty-five Dollars (\$1,457,355.00) are hereby appropriated, to be paid out of all moneys in the Treasury of the Territory, received from all current receipts of the General Revenue, for the Current Expenses of the Departments, for the period commencing with the First Day of July, 1905, and ending with the Thirtieth Day of June, 1907.

## EXECUTIVE DEPARTMENT.

## GOVERNOR.

Incidentals, Governor's Office.....	\$ 1,000.00	\$ 1,000.00
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## SECRETARY OF THE TERRITORY.

Incidentals, Secretary's Office.....	\$ 4,600.00	
Expenses of Election, including transportation to Niihau, Molokai, Kahoolawe and Lanai .....	10,000.00	
Printing, Binding, Indexing and Ad- vertising .....	5,000.00	
Preservation of Archives.....	1,800.00	
Expenses Board of Immigration...	1,000.00	\$ 22,400.00

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## DEPARTMENT OF FINANCE.

## TREASURY DEPARTMENT.

Incidentals, Treasurer's Office.....	4,000.00
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Incidentals under Insurance Law...	600.00	
Interest on Public Debt, Commis-		
sions and Expenses .....	395,700.00	
Expenses, Bonding Public Officials.	8,000.00	408,300.00

## BUREAU OF TAXES.

Incidentals, Tax Offices, Oahu.....	8,000.00	
Incidentals, Tax Offices, Maui ....	1,700.00	
Incidentals, Tax Offices, Hawaii ..	4,000.00	
Incidentals, Tax Offices, Kauai....	1,200.00	\$ 14,900.00

## BUREAU OF CONVEYANCES.

Incidentals, Conveyances .....	2,990.00	2,990.00
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## DEPARTMENT OF INTERNAL IMPROVEMENTS.

## DEPARTMENT OF PUBLIC WORKS.

Departmental Expenses .....	\$ 8,000.00
Printing and Advertising .....	3,600.00
Maintenance, Repairs and Additions	
to Government Property.....	25,000.00
Landing and Wharves, General....	20,000.00
Expenses, Pilot Boats .....	600.00
Expenses, Pilot Boats, Hilo.....	250.00
Expenses, Pilot Boats, Kahului and	
Lahaina .....	250.00
Rent of Land, Kerosene Warehouse.	1,600.00
Purchase of United States Flags...	2,000.00
Running Expenses, Laundries.....	8,000.00
Running Expenses, Sewer and	
Pumping Station and Installing	
oil burning apparatus .....	33,000.00

Maintenance Sewer System, Honolulu . . . . .	9,600.00	
Maintenance Sewer System, Hilo.....	1,200.00	
Running Expenses and Maintenance, Honolulu Water Works and installing oil burning apparatus....	90,000.00	
Hilo Water Works . . . . .	3,600.00	
Water Works other than Honolulu and Hilo . . . . .	2,400.00	209,100.00
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## BUREAU OF AGRICULTURE AND FORESTRY.

Incidentals and General Expenses and Experimenting in Growing Rubber Trees on Government Forest Lands . . . . .	29,848.00	
Assistance to Federal Experimental Station . . . . .	5,472.00	
Incidentals and General Expenses Bureau of Animal Industry.....	250.00	\$ 35,570.00
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## PUBLIC LANDS.

Incidentals and General Expenses..\$	7,200.00	7,200.00
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## SURVEY DEPARTMENT.

Expenses Field Parties and Office Work . . . . .	25,000.00	25,000.00
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## DEPARTMENT OF JUSTICE.

## JUDICIARY DEPARTMENT.

Expenses of Judiciary Department.	2,000.00	
Stationery and Incidentals, all		

Courts (to be approved by the Chief Justice) .....	2,500.00	
Purchase of Law Books, Supreme Court .....	1,200.00	
Purchase of Law Books for Circuit Courts:		
Second Circuit .....	\$300.00	
Third Circuit .....	300.00	
Fourth Circuit .....	300.00	
Fifth Circuit .....	300.00	1,200.00
Expenses of Supreme Court .....	800.00	
Compiling, Printing and Binding Supreme Court Reports.....	2,500.00	
Expenses of Circuit Courts (Including Pay of Jurors, and of Interpreters, Stenographers and other officers not otherwise provided for):		
First Circuit .....	27,000.00	
Second Circuit .....	8,500.00	
Third Circuit .....	5,000.00	
Fourth Circuit .....	10,000.00	
Fifth Circuit .....	8,000.00	
Expenses, Court of Land Registration .....	3,000.00	\$ 71,700.00

## DEPARTMENT OF THE ATTORNEY GENERAL.

## ATTORNEY GENERAL'S OFFICE.

Incidentals, Attorney General's Office .....	12,000.00	
Expenses of Witnesses .....	3,000.00	
Expenses of defending validity of Act 39, Session Laws of 1905, on appeal to the Supreme Court of the United States .....	3,000.00	18,000.00



## POLICE DEPARTMENT.

Support and Maintenance of Prison-		
ers . . . . .	100,000.00	100,000.00

## DEPARTMENT OF PUBLIC INSTRUCTION.

Furniture and Fixtures . . . . .	\$ 6,400.00	
Industrial and Manual Training...	3,000.00	
Book Fund . . . . .	10,000.00	
Stationery and Incidentals . . . . .	3,000.00	
School Supplies . . . . .	8,000.00	

Repairing School Buildings, to be ap-  
portioned as follows:

Oahu . . . . .	\$10,000.00	
Hawaii . . . . .	9,000.00	
Maui, Molokai and Lanai	6,000.00	
Kauai . . . . .	5,000.00	30,000.00

Expenses and Material for Lace Making, 15 % of all money re- ceived from sales of lace from Lace Making School and 50 % of all sales from Girls' Industrial School to be paid into the Territorial Treasury . . . . .	3,000.00	
Support of Lahainaluna Seminary..	15,000.00	
Support of Kona Orphanage.....	3,000.00	
General Expenses, Boys' Industrial School . . . . .	15,000.00	
General Expenses Girls' Industrial School . . . . .	6,000.00	
Material for Manual Work, Girls' In- dustrial School . . . . .	2,000.00	

Live Stock, Farming Implements, etc., Boys' Industrial School.....	1,500.00	
Fencing, Engine, Piping, etc., Boys' Industrial School .....	2,500.00	\$108,400.00
		<hr/>

## BOARD OF HEALTH.

## CARE OF LEPERS.

Segregation and Care of Lepers....	184,825.00	
Support and Care of Four Leprous Patients under Dr. Rice, Hilo...	2,400.00	
Reception Hall and Repairs to Land- ing for Visitors to the Settlement	3,000.00	
Medical Department, Kalihi Receiv- ing Station and Molokai Settle- ment, Including Treatment of Lep- ers and Suspects .....	20,000.00	
Stamped Envelopes, Letter Paper and Postage Stamps for free use of Lepers and Suspects in Custody	1,500.00	
Support of non-Leprous Female Children of Lepers .....	7,900.00	
Support of non-Leprous Male Chil- dren of Lepers .....	6,000.00	
New Building, Settlement, Molokai.	4,700.00	
Building and Equipment, Poi Fac- tory, Kalaupapa:		
Poi Machinery .....	\$ 600.00	
Water Wheel and Gover- nor .....	200.00	
Building, Piping and Equipment .....	1,600.00	2,400.00
		<hr/>
Improvements, Kalihi Receiving Sta- tion .....	2,000.00	

Freight and Passenger Guarantee for weekly common carrier service between Honolulu (Oahu) and Kaula-kai, Kamalo, Halawa, Wailau, Pelekunu and Kalaupapa (Molokai) Lahaina (Maui) Kahalepalaoa (Lanai) by the way of Pukoo to and return, to be awarded after Public Bid or Tender to the lowest bidder, provided, however, that a passenger steamer is used.....			5,200.00	
Kalaupapa Store .....			50,000.00	
Incidentals to be expended by the Superintendent for the purpose of Entertainments at the Settlement.			800.00	\$290,725.00

#### QUARANTINE AND MEDICAL SERVICE AND SUPPLIES.

Maintenance of Ambulance.....	2,520.00	
Purchase and Maintenance of Horse and Wagon for Health Officer, Hilo	1,000.00	
Quarantine, Fumigation, Disinfectants, Medical Supplies, Medical Service and Suppression of Contagious Diseases .....	19,800.00	23,320.00

#### INSANE ASYLUM.

Maintenance of Insane Asylum....	40,000.00	40,000.00
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#### GENERAL EXPENSES.

General Expenses, Board of Health.	8,000.00	
Rent of Grounds for Quarantine Hospital and Kapiolani Girls' Home for 30 months .....	750.00	

Equipment, Food Commissioners'		
Laboratory . . . . .	500.00	
Expenses, Importation of Fish for		
destruction of Mosquitoes . . . . .	1,500.00	\$ 10,750.00

## HOSPITALS.

Malulani Hospital, Maui . . . . .	6,000.00		
Hilo Hospital, Hawaii . . . . .	8,000.00		
Waimea Hospital, Kauai . . . . .	2,000.00		
Elcele Hospital, Kauai . . . . .	1,000.00		
Lihue Hospital, Kauai . . . . .	3,000.00		
Maintaining Patients at			
Queens Hospital . . .	\$25,000.00		
Leahi Home (Incurable			
Hospital) . . . . .	9,800.00		
Kapiolani Maternity			
Home . . . . .	7,200.00	42,000.00	62,000.00

## AUDITING DEPARTMENT.

Incidentals and Travelling Expenses	3,600.00	
Printing Tax Books and Blanks . . . .	2,400.00	6,000.00
		<u>\$1,457,355.00</u>

SECTION 2. The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditures of any money from the Treasury to be hereafter accounted for to the Legislature by indemnity bill, is hereby expressly prohibited.

SECTION 3. Any Public Official who shall falsely certify or approve for payment any bill or voucher against any item of this Act shall be deemed guilty of a misdemeanor, for which the offender shall, on conviction thereof, be fined not less than

Fifty Dollars nor more than Five Hundred Dollars. (District Magistrates shall have jurisdiction in all cases under this Section.)

SECTION 4. No expenditure of Public Money for the construction or repair of Public Works, where the sum to be expended shall amount to Five Hundred Dollars (\$500.00) or more, or for the purchase of material, provisions or other supplies for Public Purposes amounting in the aggregate to Five Hundred Dollars (\$500.00) or more, shall be made, except by contract after Public Advertisement for Sealed Tenders; and no public work or the purchase of material, provisions or supplies for public purposes shall be so divided or parcelled out as to defeat or evade the provisions of this Section.

SECTION 5. All agreements or contracts made and entered into by any Officer of the Territory of Hawaii, by or under which Public Money is to be expended shall be void and of no effect unless the Auditor shall endorse thereon his certificate that there remains, unexpended and unapplied, a balance in the Fund or Appropriation already made for such purpose, sufficient to cover the amount involved in such Contract or Agreement.

SECTION 6. This Act shall take effect on the First Day of July, 1905.

Approved this 29th day of May, A. D. 1905, except as to the following items which I have vetoed and disapprove:

DEPARTMENT OF PUBLIC HEALTH.

CARE OF LEPERS.

"Stamped envelopes, letter paper and postage stamps  
for free use of lepers and suspects in custody. . . . \$1,500.00"  
"Incidentals to be expended by the Superintendent  
for the purpose of entertainments at the Settlement . . . . . 800.00"

## DEPARTMENT OF THE ATTORNEY GENERAL.

## ATTORNEY GENERAL'S OFFICE.

"Expenses of defending validity of Act 39, Session  
Laws of 1905, on appeal to the Supreme Court of  
the United States . . . . . 3,000.00"

## DEPARTMENT OF PUBLIC INSTRUCTION.

"Support of Kona Orphanage . . . . . 3,000.00"

## DEPARTMENT OF PUBLIC HEALTH.

## HOSPITALS.

"Malulani Hospital, Maui . . . . . 6,000.00"  
"Eleele Hospital, Kauai . . . . . 1,000.00"  
"Lihue Hospital, Kauai . . . . . 3,000.00"

G. R. CARTER,

Governor of the Territory of Hawaii.

We hereby certify that the following items, after reconsideration on the veto of the Governor, were, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of all of the elective members of the Senate and the House of Representatives of the Territory of Hawaii on the 29th day of May, A. D., 1905.

## "DEPARTMENT OF PUBLIC INSTRUCTION.

Support of Kona Orphanage . . . . . \$3,000.00"

## "DEPARTMENT OF PUBLIC HEALTH.

## HOSPITALS.

Malulani Hospital, Maui . . . . . 6,000.00"

Eleele Hospital, Kauai . . . . .	1,000.00''
Lihue Hospital, Kauai . . . . .	3,000.00'

D. PAUL R. ISENBERG,  
President of the Senate.

WILLIAM SAVIDGE,  
Clerk of the Senate.

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ERIC A. KNUDSEN,  
Speaker, House of Representatives.

D. KALAUOKALANI, JR.,  
Clerk, House of Representatives.

# GENERAL INDEX.

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## A

ACKNOWLEDGMENTS.	
necessary before recording .....	163
taken before whom .....	163
unacknowledged deed, how proved for record .....	163
ADMINISTRATORS.	
see "Executors and Administrators."	
ADOPTION.	
effect of, as to inheritance .....	183
AGENTS TO GRANT MARRIAGE LICENSES.	
see "Marriage."	
AGRICULTURE AND FORESTRY.	
forest fires, appropriation for suppressing .....	14
chief fire warden is superintendent of forestry.....	164
district fire wardens appointed by board .....	164
duties of board concerning.....	164
labor on, rate of payment.....	164
labor on, time book kept by warden.....	165
penalty for setting .....	165
posse comitatus called upon to suppress.....	165
when legitimate .....	166
forest reservations.	
cancelled how .....	124
hearings, how advertised .....	124, 125
set apart how, on government land.....	124
AMENDMENTS.	
bonds in judicial proceedings allowed when.....	16
liquor prosecution, specification of charge, allowed.....	154
to county act.....	109-111
ANIMALS.	
board of agriculture, powers and duties concerning.....	180-183
dead in streets, sup't pub. works to remove.....	25
destruction of by board of agriculture .....	180
diseases of, certain laws repealed.....	179
disinfection of .....	181



importation of .....	182
inspection of .....	180-182
inspectors, old law concerning repealed.....	179
live stock inspectors .....	182
quarantine of .....	181, 182
rules and regulations concerning .....	181
sheep diseases law repealed.....	178
suppression of disease among.....	180, 181
territorial veterinarian .....	182
transportation of, rules for .....	181
see "Veterinaries."	

#### APPEAL.

from assessor regarding income tax.....	200, 201
from assessor regarding personal and property taxes. see "Taxation."	
from condemnation by magistrate of liquor seized.....	147

#### APPROPRIATIONS.

attorney general's office to June 30, 1905.....	226
departmental use, July 1, 1904 to June 30, 1905.....	264-271
departmental use to June 30, 1905.....	225-227
contracts under, void when .....	227
penalty for false approval of vouchers, etc.....	227
warrants upon, how drawn .....	226, 227
departmental use, July 1, 1905 to June 30, 1907.....	312-322
how drawn .....	319, 320
expenses county election 1905.....	167
expenses extra session of House 1905.....	264
expenses extra session of Senate 1905.....	263
expenses regular session of House 1905.....	2
expenses regular session Senate 1905.....	1
expenses of witnesses in criminal cases, June 1, 1904, to June 30, 1905 .....	281, 282
forest fires suppression.....	14
immigration board, used only when subscriptions exhausted 98, 99 called immigration fund .....	98
judiciary department to June 30, 1905.....	226
loan fund to June 30, 1907. contracts under .....	288, 289
general appropriations for all islands.....	282, 284
how spent .....	288, 289
island of Hawaii .....	284
island of Kauai .....	285
island of Maui .....	285
island of Oahu .....	286-288
penalties .....	289

salaries, July 1, 1905 to June 30, 1907.....	289-311
how drawn upon .....	307, 308
unpaid bills of territory to July 1, 1904.....	272-281
U. S. district court decisions, printing of.....	23

#### ARBITRATION.

liquor license application refused by treasurer.....	137, 138
--	----------

#### ARCHIVES, BOARD OF PUBLIC.

appointed how .....	28
chairman and executive officer of.....	28
duties .....	28
members, three .....	27
pay none .....	28
powers .....	28
secretary of territory, ex-officio a member.....	27

#### ASSESSORS.

    see "Taxation."

#### ATTACHMENTS.

affidavit, contents .....	185, 186
affidavit filed before writ issues .....	185
applies to circuit and district courts.....	184
bond by defendant.	
discharges writ .....	189, 190
judgment entered against defendant and sureties..	190
operates as defendant's appearance .....	190
bond by plaintiff .....	186
action upon, damages .....	187
additional security by plaintiff .....	186, 187
to indemnify sheriff .....	188
clerk issues writ .....	185, 187
district magistrate acts as.....	184
court to approve writ .....	187
discharge of writ .....	189, 190
district magistrates.	
writ not to be served on real estate .....	184
writ served within circuit .....	184
examination of defendant when.....	188
execution after judgment for plaintiff .....	190, 191
expenses of officer having charge of.....	187
grounds for .....	185, 186
improper issuance, ground for discharge .....	190
inventory of property attached.....	189
issuance of writ .....	184, 185
mode of attachment .....	187, 188
perishable property attached may be sold.....	188, 189
personal property how attached.....	188
property 20 per cent greater than amount claimed.....	187

property exempt from execution exempt from attachment.	187
real property, how attached .....	188
real property, writ released how.....	190
receiver for property attached.....	189
return of writ by sheriff.....	189
served by sheriff .....	187
several attachments, served in order of receipt by sheriff.	188
sheriff's indemnity bond .....	188
"sheriff" means who .....	184
stock in corporation, how attached.....	188
writ directed to sheriff .....	187
<b>ATTORNEY GENERAL OF TERRITORY.</b>	
bond to be given by.....	231-236
county attorneys are deputies of.....	77
inheritance tax citations to enforce prosecuted by.....	247
Standard Telephone Company's franchise forfeiture approved by .....	131
<b>ATTORNEYS.</b>	
sheriff shall not practice as.....	225
<b>AUDITOR OF TERRITORY.</b>	
bond to be given by.....	231-236
counties warrants payable to drawn by.....	218
penalties, certain, may be incurred by.....	220
county auditors supervised by .....	74
deputy auditor to give bond.....	231-236
duties regarding immigration fund.....	98, 99
special appropriations departmental use, how drawn on.....	226, 227
contracts under void without certificate of.....	227
trust companies supervised by .....	161
<b>AUTOMOBILE.</b>	
annual tax on .....	205
lights on after dark .....	30
speed rate across bridges, penalty.....	117

## B

<b>BALLOTS.</b>	
see "Elections."	
<b>BANKING CORPORATIONS.</b>	
branch banks may be established outside Honolulu.....	174
<b>BICYCLES.</b>	
lights on after dark.....	30
taxation of.	
assessors furnish tags .....	237
false tag used, misdemeanor .....	238
one dollar annually .....	236
penalty for delinquency .....	237

sale of seized bicycles .....	237
sale, surplus after, a government realization.....	237
tags for tax paid .....	237
untagged bicycles liable to seizure and sale.....	237

#### BIRTH, CERTIFICATE OF HAWAIIAN.

applicant examined under oath.....	123
evidence to be furnished .....	123
false testimony is perjury .....	123
fee is \$7.50, government realization.....	123
form of application for .....	123
is evidence of facts therein stated.....	123
proof, method of required for.....	123
secretary of Hawaii may issue .....	122
to whom issued .....	122

#### BOARD.

agriculture and forestry.	
animal diseases, suppression of.....	180
charges for inspection, quarantine etc., rates made by	180
data concerning animals compiled by .....	180
importation of animals regulated by .....	181, 182
live stock inspectors appointed by.....	182
quarantine of animals by .....	181, 182
rules and regulations concerning animals made by..	181
territorial veterinarian appointed by, duties .....	181
transportation of animals regulated by.....	181
commissioners of public archives.....	27-29
education.	
see "Instruction, Department of Public."	
equalization . . . . .	205-207
see "Taxation."	
health.	
see "Health, Board of."	
immigration.	
see "Immigration, Board of".....	96-99
prison inspectors .....	86-88
supervisors.	
see "County Act."	
veterinary examiners.	
applicants for licenses recommended by.....	83
appointed how .....	83
examination of applicants by .....	83
hearing before revocation of license.....	85
members three .....	83
no pay .....	84
removed how .....	83

revocation of licenses upon recommendation of.....	85
tenure of members .....	83
<b>BONDED INDEBTEDNESS, FUNDING OF.</b>	
see "Funding Bonded Indebtedness."	
<b>BONDS.</b>	
fire department, of treasurer of board of representatives..	106
immigration commissioners shall furnish .....	97
inheritance tax, securing payment of .....	241
judicial proceedings.	
amendments may be allowed .....	16
attachment writ, by defendant .....	189, 190
attachment writ, by plaintiff .....	186, 187
on motion for new trial .....	42
sheriff's indemnity bond attachment writs.....	188
trust company may give continuing.....	160
liquor licenses .....	138, 139
public officers.	
amount prescribed by governor.....	233
approved by whom .....	234
"bond record" .....	234
clerks may be required to furnish.....	234
copies of kept by treasurer.....	234
corporation as surety .....	232, 233
employees may be required to furnish.....	234
enforced how .....	234
enforced in name of territory.....	234
filed where .....	234
formal defects in do not invalidate.....	234
form of .....	232, 233
governor may require bonds of certain other officers	234
how first required .....	235
new bonds required when .....	235
payable to territory .....	235
premiums when paid by territory.....	235
sureties, two, qualifications .....	232
who shall give .....	231, 232
see title under "County Act."	
<b>BRAKES.</b>	
annual tax on .....	205
<b>BRIBERY.</b>	
of appraisers, inheritance tax, penalty .....	246
issuance of marriage license, penalty.....	14
<b>BRIDGES.</b>	
driving or riding across fast, penalty.....	117
signs calling attention posted .....	117

## C

CACAO.	
exempt from taxes .....	9
CARRIAGES.	
annual tax on .....	206
CARTS.	
annual tax on .....	206
CERTIFICATES OF HAWAIIAN BIRTH.	
see "Birth, Certificate of Hawaiian."	
CESSPOOLS.	
cleaning of in charge of sup't public works .....	25
rates for cleaning how collected .....	25
CHIEF JUSTICE.	
district magistrates appointed by .....	118
CHILDREN..	
adoption, effect of .....	183
intoxicating liquor not to be sold to .....	140
penalty for misrepresenting age .....	150
pawnbrokers not to do business with minors .....	41
saloons, shall not loiter in .....	141
see "Juvenile Delinquents."	
CIRCUIT COURTS.	
adjournments .....	43
county sheriff to attend .....	69
exceptions, time for allowing runs from what .....	15
first circuit stenographers.	
examination as to competency .....	214
certificate of competency .....	215
qualifications .....	214
jurors how examined as to qualifications or interest .....	8
summons returnable when .....	11
terms where and when held .....	38
length and extension of .....	43
trial of causes at pending terms .....	11
exception as to first circuit, civil jury trials .....	43
writs, certain available in all circuits .....	13
see "Attachments."	
"Jurors."	
CIRCUIT JUDGES.	
adjournment of court by .....	43
bond, continuing, may be required of trust company .....	160
bond of public officer enforced before .....	236
costs at chambers .....	90
county officers bonds, sufficiency of, settled by .....	56
county supervisors bonds approved by .....	53
exceptions, time for allowing runs from what .....	15

juvenile delinquents paroled by .....	31
tried at time separate from older offenders.....	32
poor convicts discharged by orders of.....	37
probation officers appointed by .....	31
sit on supreme court when .....	217
stenographers, first circuit, examined by.....	214
tax lien foreclosure, jurisdiction.....	211, 212
unacknowledged deed proved before .....	163
writs, certain, available in all circuits.....	13
see "Attachments."	
"Jurors."	
see same title under "Inheritance Tax."	
<b>CIVIL PROCEDURE.</b>	
see "Procedure."	
<b>CLERK OF COURT.</b>	
see same title under "Inheritance Tax."	
<b>CLUBS.</b>	
taxation of when furnishing liquor.....	28, 29
<b>COMMISSIONERS.</b>	
archives, public .....	27-29
immigration . . . . .	96-99
insurance, duties concerning inheritance tax.....	246
jury.	
appointed for what term.....	168
duties .....	168-173
public land.	
bond to be given by.....	231-236
forest reservations, government land, cancelled with	
approval of .....	124
roads to or through settlements public lands.....	230, 231
<b>COMMUTATION FOR PRISONERS</b> .....	100-101
<b>CONVEYANCES.</b>	
record of how indexed in registrar's office.....	5-7
assignments etc. of, noted on margin of record of original	10
recorded in order of filing.....	10
<b>CORK OAK.</b>	
exempt from taxes .....	9
<b>CORPORATIONS.</b>	
fees in treasurer's office for filing:	
annual exhibits .....	216
certificates of any kind.....	216
certificate of incorporation .....	215
changes in par value of stocks .....	216
charitable associations exempt .....	216
copartnership of corporations .....	216
decrease of capital stock .....	216

dissolution of corporation.....	216
• extension or renewal of charter.....	216
increase of capital stock . . . . .	216
list of offices and directors.....	216
name changed . . . . .	216
taxation.	
enterprise for profit . . . . .	202, 203
income tax on . . . . .	196-201
insurance companies . . . . .	175, 176
public utility franchise using highway.....	202
see "Banking Corporations," "Fiduciary Companies," "Trust Companies."	
<b>COSTS.</b>	
circuit judges at chambers.....	90
criminal cases, collectable by execution.....	36
criminal case, unpaid, defendant shall be imprisoned.....	37
rate of discharge, \$1 per day.....	37
divorce suit, none if leprosy is the ground.....	22
supreme court at chambers.....	90
see title under "County Act."	
<b>COUNTY ACT.</b>	
amendments to . . . . .	109-111
attorney of county.	
accounts of filed monthly under oath . . . . .	76
advises supervisors . . . . .	77
arrest proceedings instituted by . . . . .	75
attends courts . . . . .	75
change of venue, duties . . . . .	75
defends county . . . . .	76
elected by the county . . . . .	51
elected when . . . . .	51
grand jury, duties concerning . . . . .	76
is deputy of attorney general.....	77
money in treasury counted by.....	73
office at county seat . . . . .	52
office hours of . . . . .	52
opinions in writing to be given.....	76
penalty for not accounting.....	76
prosecutes . . . . .	75
receipts to be given by . . . . .	76
reports to attorney general.....	77
shall not present claims against county.....	77
supervisors' meetings, duties at.....	77
term of office.....	51
auditor.	
accounts against county settled by.....	72



*COUNTY ACT—Continued.*

accounts certified in duplicate to treasurer.....	72
accounts current with treasurer kept by.....	72
elected by the county.....	51
elected when .....	51
form for books and reports prescribed by auditor of territory .....	74
money in treasury counted by.....	73
office at county seat.....	52
office hours of .....	52
qualifications for .....	52
report annually to supervisors .....	74
statement, joint with treasurer, to supervisors.....	73
statements made by concerning money in treasury..	73
term of office .....	51
treasurer's books examined by monthly.....	73
warrants, contents of .....	73
warrants on county treasurer drawn by.....	72
warrants numbered consecutively.....	73
warrants uncalled for, to be canceled.....	73
board of health.	
leper settlement controlled by.....	45
rules superior to county ordinances.....	67
board of supervisors.	
see "Supervisors" under title "County Act."	
bonds of officers.	
additional may be required .....	56
amount of each .....	53, 54
approval of .....	53
deposited where .....	53
form of .....	55
payable to county .....	55
sufficiency of .....	53
surety, affidavits of .....	56
surety company may furnish.....	56
sureties, freeholders .....	55
sureties, sufficiency of .....	56
sureties, two, qualifications .....	53-55
treasurer's, special deposits liable for.....	81
budget of supervisors .....	68
circuit judge.	
sufficiency of bond settled by .....	56
supervisors' bonds approved by.....	53
clerk of county.	
elected by the county.....	51
elected when .....	51
election duties .....	61, 62

*COUNTY ACT—Continued.*

ex-officio clerk of supervisors.....	50, 71
office at county seat .....	52
office hours of .....	52
records kept by .....	71
seal of county .....	71, 72
term of office .....	51
contracts, power to make .....	67
coroner.	
sheriff is ex-officio.....	50, 70
costs.	
changed venue, who pays .....	75
election contests .....	63, 64
counties.	
attorney.	
see title "Attorney" under "County Act."	
auditor.	
see "Auditor" under title "County Act."	
boundaries of .....	45
clerk of county.	
see "Clerk of County" under title "County Act."	
contracts may be made by .....	49
contracts over \$500 to be advertised.....	49
contracts void when .....	50
coroner, sheriff is .....	50
county seats of .....	45
county seats changed how.....	50
credit of county not to be loaned.....	49
districts in .....	47, 48
expenses, how provided for.....	217-220
is body politic and corporate.....	50
may sue and be sued.....	48
officers, who to be elected.	
see "Officers" under "County Act" .....	50, 51
powers of .....	49, 50
property may be acquired and disposed of.....	49
public works and buildings acquired by.....	49
rates for water and sewers collected by.....	49
sheriff.	
see "Sheriff" under the title "County Act."	
streets constructed with approval of sup't public w'ks	49
supervisors, board of.	
see "Supervisors" under title "County Act."	
treasurer.	
see "Treasurer" under title "County Act."	
county seats.	
changed how .....	50

## COUNTY ACT—Continued.

of Hawaii is Hilo .....	45
of Kauai is Lihue .....	45
of Maui is Wailuku .....	45
of Oahu is Honolulu .....	45
deputies, appointed, shall give bonds.....	53
appointment in writing and filed.....	81
certain officers may appoint.....	81
powers of .....	81
principals liable for acts of.....	53
deputy sheriff.	
duties .....	70
elected by districts .....	51
is coroner ex-officio.....	70
districts, geographical of counties.....	47, 48
deputy sheriffs elected by.....	51
supervisors elected by .....	51
elections.	
held when .....	51
county seat changes or removals, decided by.....	50
election contests.	
all parties interested may be called.....	63
costs. ....	63, 64
effect of judgment .....	64
election declared invalid, when.....	63
evidence to be reduced to writing.....	63
hearing of .....	63
judgment of court to be certified to certain officers...	64
new election when .....	64
petition to court .....	63
powers of court .....	64
summons returnable 14 days.....	63
supreme court jurisdiction over.....	63
time for filing .....	63
validity of ballot to be decided immediately by in-	
spectors .....	62, 63
elections, general.	
ballot boxes .....	62
ballots prepared by clerk .....	62
certificates of election.....	62
expenses of, county charge.....	62
highest number of votes elects .....	62
laws and rules governing .....	60 61
nominations deposited with clerk.....	61
nomination fee .....	61
polling places for .....	61
precincts for .....	61

## COUNTY ACT—Continued.

proclamation before .....	62
inspectors of paid by county .....	62
returns made to clerk .....	61
returns tabulated by clerk .....	62
tie vote, special election .....	62
voters register how .....	61
voters qualifications .....	61
voters vote in district where registered .....	61
election, special.	
after judgment supreme court .....	64
proclamation before .....	62
supervisors shall order .....	62
tie vote may cause .....	62
election, special 1905.	
appropriation for expense of .....	167
ballots .....	65
ballot boxes .....	65
certificates of election .....	66
contests .....	66
expenses not a county charge .....	62
governor may call special election .....	66
held when .....	64
highest number of votes elects .....	66
inspectors of elections, duties .....	65
laws and rules governing .....	64
nominations .....	65
officers elected take office when .....	64
polling places .....	65
precincts .....	65
proclamation before .....	65
returns to be tabulated .....	66
secretary of territory, duties .....	65, 66
tie vote, special election .....	66
voters qualifications .....	65
enabling act .....	217-220
Ewa, district Oahu county .....	47
expenses, funds for how provided .....	217-220
funds for provided how .....	217-220
Hamakua, district Hawaii county .....	47
Hana, district Maui county .....	48
Hanalei, district Kauai county .....	48
Hawaii, county of.	
boundaries of .....	45
districts in, geographical .....	47
Hilo is county seat .....	45

## COUNTY ACT—Continued.

supervisors are seven .....	51
highways, maintenance of .....	219
Hilo.	
county seat of Hawaii county.....	45
north and south, districts in Hawaii county.....	47
Honolulu.	
county seat Oahu county .....	45
district of, boundaries .....	47
impeachment of officers.....	66, 110
inspectors of election.	
how paid .....	62, 110
validity of ballot decided immediately by.....	62, 63
interest on county warrants.....	79, 218
jail in charge of sheriff.....	69
Kalawao, county of.	
board of health controls.....	45
boundaries of .....	45
policemen, five, appointed by sheriff.....	46
powers of, how limited.....	45
sheriff the only county officer, tenure, salary, duties.	46
Kahoolawe.	
included in county of Maui.....	45
Kalaupapa.	
a part of county of Kalawao.....	45
Kau, district Hawaii county .....	47
Kauai, county of.	
boundaries of .....	45
districts in, geographical .....	48
Lihue is county seat .....	45
Kawaihau, district Kauai county.....	48
Kohala.	
north and south, districts Hawaii county.....	47
Koloa, district Kauai county .....	48
Kona.	
north and south, districts Hawaii county.....	47
Koolauloa, district Oahu county.....	47
Koolaupoko, district Oahu county.....	47
Lanai.	
included in county of Maui.....	45
leper settlement, Molokai.	
is county of Kalawao.	
see "Kalawao, County of".....	45
Lihue.	
county seat of Kauai county.....	45
district in Kauai county.....	48
Makawao, district Maui county.....	48

## COUNTY ACT—Continued.

Maui, county of.	
boundaries of .....	45
districts in, geographical.....	48
Wailuku is county seat .....	45
Molokai.	
included in county of Maui .....	45
Niihau.	
included in county of Kauai.....	45
Oahu, county of.	
boundaries of .....	45
districts in, geographical .....	47
Honolulu is county seat.....	45
supervisors are seven .....	51
oath of officers .....	52
officers of counties.	
advice by county attorney.....	76
bonds of .....	53-56
clerks and assistants to .....	81
deputies appointed by .....	81
designations of .....	50, 51
elected when .....	51
impeachment of .....	66, 110
liable for acts of deputies appointed.....	53
oath of office .....	52, 53
offices of at county seat.....	52
only one office at one time.....	52
qualifications for .....	52
removal of .....	66
salaries .....	57-60
terms of office of .....	51
vacancies filled how .....	66, 67
posse comitatus drafted by sheriff.....	69
Puna, district Hawaii county .....	47
registration of voters.....	61
of warrants .....	79, 218
removal of officers.	
by whom .....	66
charges to be preferred.....	66
for what .....	66
deputies, appointed, removed how.....	81
impeachment of supervisors .....	110
proceedings how instituted.....	66
supervisors to hear charges .....	66
vacancies after removal how filed.....	66
roads, maintainance of etc.....	219
salaries, amounts .....	57-60

*COUNTY ACT—Continued.*

## seal of county.

clerk to have charge of .....	71
copy filed with secretary of territory .....	72
name of county to appear on .....	71
used for what .....	71

## sheriff.

arrests made by .....	69
circuit court attended by .....	69
coroner, shall be ex-officio .....	50, 70
county jail in charge of .....	69
elected by each county .....	51
elected when .....	51
Kalawao county, duties, pay, term of office, vacancy ..	46
negligence in serving process .....	70
notices, duties concerning .....	69
office at county seat .....	52
office hours of .....	52
peace preserved by .....	69
posse comitatus summoned by .....	69
powers generally .....	68, 69
processes, duties concerning .....	69, 70
prosecutions by .....	69
term of office .....	51
when sheriff is sued .....	70
streets, maintainance of .....	219

## supervisors.

are officers of county .....	50
auditor's report published by .....	74
bonds of officers, powers concerning .....	56
budget to be prepared by .....	68
chairman to count money in treasury .....	73
county clerk is clerk of board .....	50
county seat changes, duties concerning .....	50
elected by districts .....	51
elected, when .....	51
election duties of .....	62
expenditures not to exceed income .....	68
liabilities not to exceed income for each year .....	68
meetings held when .....	68
number of in each county .....	51
office of at county seat .....	52
penalties, certain, may be incurred by .....	220
powers and authority vested in .....	50
qualification of residence necessary .....	51, 52
quorum .....	68
removal of officers by .....	66

## COUNTY ACT—Continued.

road taxes expected by.....	219
special counsel engaged by.....	77
special powers of .....	67
term of office .....	51
vacancies among, how filled .....	66, 67
vacancies filled by .....	66, 67
supreme court.	
see "Election Contests"; "Removal of Officers" under "County Act."	
treasurer.	
accounts kept by .....	77
account with auditor settled monthly.....	80
attorney's bond enforced by.....	76
bond of .....	53, 56, 81
books to be kept how.....	78
certificates of auditor kept by, other returned.....	77, 78
certificate of auditor necessary to receive money....	72, 78
each year to stand by itself.....	78
elected by the county .....	51
elected when .....	51
funds from territorial warrants .....	219
interest on registered warrants .....	79
loans not to be made by .....	81
money how disbursed .....	78
money how to be kept .....	80
money received and paid out.....	77
office at county seat .....	52
office hours of .....	52
penalty for not reporting to supervisors.....	80
penalties, certain may be incurred by.....	220
registered warrants notice of payment.....	79
registered warrants penalty for not presenting.....	79
report annually to supervisors.....	80
reports to meetings of supervisors.....	80
road taxes to be paid to.....	219
special deposits by .....	81
special deposits, certain, to be used how.....	219
statement jointly with auditor to supervisors.....	73
statement under oath monthly .....	80
term of office .....	51
warrants, no funds, to be registered etc.....	79
warrants of territory for county .....	218
warrants paid go to auditor .....	80
warrant paid, note made thereon .....	80
warrants to be paid if funds.....	78



*COUNTY ACT—Continued.*

venue changed.	
attorney prosecutes .....	75
costs how borne .....	75
voting .....	61
vacancies how filled .....	66, 67
Waianae, district Oahu county .....	47
Waimea, district Kauai county .....	48
Waialua, district Oahu county .....	47
Wailuku.	
county seat of Maui county .....	45
district in Maui county .....	48
warrants of territory in favor of .....	218, 219
see "Auditor of County"; "Treasurer of County."	
<b>COURT.</b>	
jurors how examined as to qualification or interest .....	8
see "Circuit Court," "Supreme Court," "District Magistrate."	
<b>CRIMINAL PROCEDURE.</b>	
see "Procedure"; "Juvenile Delinquents."	

**D****DESCENT AND DISTRIBUTION.**

adoption, effect of, under law of .....	183
---	-----

**DISTRICT COURT.**

see "District Magistrate."	
----------------------------	--

**DISTRICT MAGISTRATE.**

appointed by chief justice .....	118
intoxicating liquors.	
amendments of charges, allowed at trial .....	154
appeal from condemnation of liquor .....	147
complaint after liquor seized .....	146
condemnation of liquor seized .....	146, 147
convictions of intoxication reported to treasurer .....	152
disclosure of places where liquor sold enforced how .....	153
each act is a single violation .....	154
evidence of selling .....	144, 145
"habitual drunkard" defined .....	153
search warrant for .....	145
see "Intoxicating Liquors."	
jurisdiction, mutilating records cases .....	34
sewer rates suit .....	25
tax cases .....	213
juvenile delinquents paroled by .....	31
tried at time separate from older offenders .....	32
one or more for each district .....	118

probation officers appointed by .....	31
qualified as district court attorney .....	118
shall be resident of district .....	118
suits on open accounts before.....	102, 103
supreme court may remove .....	119
term is two years .....	118
see "Attachments"; "Summary Possession Proceedings."	
<b>DIVORCE.</b>	
costs remitted when leprosy is ground of the libel.....	22
proof when leprosy is ground for libel .....	23
<b>DOWER.</b>	
additional to provision of will when.....	89
election between dower and testamentary provision for widow.	
filed in probate court .....	89
if not made, dower presumed .....	90
made in writing .....	89
within 6 mos. after probate .....	89
presumption in favor of .....	90
<b>DRAYS.</b>	
annual tax on .....	206
<b>DRUNKARD.</b>	
disclosure of where liquor bought, enforced how.....	153
"habitual" drunkard defined .....	153
notice not to sell liquor to.....	153
not to remain on licensed liquor premises.....	141
<b>E</b>	
<b>EDUCATION, BOARD OF.</b>	
see "Instruction, Department of Public."	
<b>ELECTIONS.</b>	
ballots, territorial elections, how marked by voter.....	29, 30
county elections.	
see title under "County Act."	
county election 1905. expenses, appropriation for .....	167
<b>EMIGRANT AGENTS.</b>	
definition of .....	115
fee for license is \$500.....	115
licenses how issued .....	115
penalty for doing business without license.....	115
<b>EMINENT DOMAIN.</b>	
Standard Telephone Company Ltd. right of.....	128, 129
<b>ENABLING ACT OF COUNTY ACT.....</b>	<b>217-220</b>
<b>EQUITY.</b>	
costs .....	90

**EVIDENCE.**

birth certificates of Hawaiian, are prima facie .....	123
leprosy how established in divorce suit.....	23
liquor sales .....	144, 145
open account suits, district court.....	102, 103
unacknowledged deed proved how .....	163

**EXCEPTIONS, BILLS OF.**

time for, allowance runs from verdict, judgment or order excepted to .....	15
---	----

**EXECUTION.**

after attachment . . . . .	190, 191
finer and costs collected by.....	36
issued when .....	42
liquors taken upon .....	143
runs into all circuits when .....	13
sales under postponed by officer.....	19
stay of by motion for new trial.....	42

**EXECUTORS AND ADMINISTRATORS.**

district court suits on open accounts, law regarding not applicable to .....	102
income tax returns made by .....	199
liquor sales by .....	143
see same title under "Inheritance Tax."	

**EXEMPTION FROM TAXATION.**

see "Taxation."

**F****FALSE IMPERSONATION.**

of government officer, penalty .....	33
--------------------------------------	----

**FARRIERS.**

license necessary for .....	92
-----------------------------	----

**FELONS.**

imprisoned in Oahu prison .....	117
none confined in Honolulu jail .....	116
parole not allowed to, when .....	121

**FINES.**

execution may issue for collection of.....	36
unpaid, defendant shall be imprisoned.....	37
rate of discharge, \$1 per day.....	37

**FIDUCIARY COMPANIES.**

definition of .....	155
examination into condition of by treasurer.....	156
income tax returns made by .....	199, 200
penalties for not complying with statute .....	156, 157
reports to be published when .....	156

reports semi-annually to treasurer of territory.....	155
contents . . . . .	156
see same title under "Inheritance Tax."	
<b>FIREARMS LICENSE, OAHU, LAW REPEALED.....</b>	<b>221</b>
<b>FIRE DEPARTMENTS.</b>	
assistant engineers.	
duties . . . . .	105
elected biennially . . . . .	104
is member of board of representatives.....	106
board of representatives.	
certificates of membership prescribed by . . . . .	106
company numbers in fixed by . . . . .	106
company number of fixed by . . . . .	107
complaints heard by . . . . .	106
consists of whom . . . . .	106
delegates to be elected annually . . . . .	106
disband companies . . . . .	106
meetings quarterly . . . . .	106
secretary is treasurer . . . . .	106
treasurer, elected by, duties . . . . .	106
by-laws regulate what . . . . .	104
made by whom . . . . .	106
Chapter 71 Revised Laws also applicable . . . . .	108
chief engineer	
duties of fire marshal, Honolulu . . . . .	105
elected biennially . . . . .	104
entry of buildings near fires . . . . .	108
fire limits set by . . . . .	107
in case of fire, duties . . . . .	105, 108
is member of board of representatives . . . . .	106
property of department in charge of . . . . .	104, 105
property examined quarterly . . . . .	105
qualifications . . . . .	104
responsible to superintendent public works . . . . .	104
reports to superintendent public works . . . . .	105
companies.	
delegates to board . . . . .	106
disbanded by board . . . . .	106
foremen . . . . .	107
number of fixed by board . . . . .	107
numbers in fixed by board . . . . .	106
rules and regulations made by . . . . .	107
secretary . . . . .	107
treasurer . . . . .	107
consists of whom . . . . .	103

## elections.

annual, for delegates board of representatives .....	106
biennial, for engineers .....	104
members, by majority vote .....	106
qualification of voters at .....	106, 107
engines and apparatus, how cared for .....	107
right of way on streets .....	108
firemen, see "members."	

## fires.

engineer's duties at .....	105, 108
entry of buildings in neighborhood .....	108
explosives near, to be reported .....	108
limits set by engineer .....	107
penalty for breaking rules at .....	107, 108
undesirable persons may be removed from .....	108
Kahului and Wailuku to have one .....	103
Lahaina to have fire department .....	103
members.	

certificates for .....	106, 107
firemen, duties .....	107
firemen, penalty for failure of duty .....	107
qualifications .....	106
taxation exemption of, when .....	106
superintendent public works controls .....	104, 105
towns may organize .....	193
Wailuku and Kahului to have one .....	103

## FISHES FOR FOOD.

certain fish excepted .....	119
restrictions on size of mesh to be used in catching .....	119
penalty for fish caught, taken or killed otherwise ...	120
restocking ponds allowed .....	120
scientific purposes allowed .....	120

## FISHING RIGHTS.

continue how long .....	194
penalty for encroaching on .....	194
"vested rights" defined .....	194

## FLAG OF THE UNITED STATES.

advertisement by use of, prohibited, penalty .....	21
citizens furnished with at cost .....	12
court house to be provided with .....	12
desecration of defined, penalty .....	21
lost or destroyed flags replaced how .....	12
old flags how replaced .....	12
police officer to display on court house .....	12
school houses to be provided with .....	12

school teacher to display . . . . .	12
superintendent of public works to furnish, when . . . . .	12
<b>FOREIGN CORPORATIONS.</b>	
fee of \$50 to be paid by . . . . .	228
foreign insurance companies excepted . . . . .	228
license fee annually \$300 . . . . .	229
penalty for non-compliance by agent or corporation . . . . .	229, 230
powers and privileges of when fee paid . . . . .	228
treasurer collects license fee . . . . .	229
when license unnecessary . . . . .	229
<b>FOREST FIRES.</b>	
see "Agriculture and Forestry."	
<b>FORESTRY.</b>	
see "Agriculture and Forestry."	
<b>FUNDING BONDED INDEBTEDNESS.</b>	
amount of . . . . .	112
bonds of republic to be refunded . . . . .	112
coupons payable by treasurer . . . . .	113
denomination of new bonds . . . . .	112
exchange of new for old bonds . . . . .	113
exemption from taxes of new bonds . . . . .	112
governor to approve of . . . . .	112
interest on new bonds . . . . .	112
lien of new bonds on revenue of territory . . . . .	112
negotiability of new bonds . . . . .	113
new bonds, how made and executed . . . . .	113
president to approve new issue . . . . .	112
proceeds devoted to what purposes . . . . .	112
redeemed bonds destroyed . . . . .	113
sale of bonds, how conducted . . . . .	113
terms of new bonds . . . . .	112
treasurer authorized to conduct . . . . .	111, 112

## G

<b>GARBAGE.</b>	
charges for removal, how collected . . . . .	25
removed by superintendent of public works . . . . .	25
<b>GIFT ENTERPRISE, PROHIBITED . . . . .</b>	192, 193
<b>GOVERNOR.</b>	
animals regulations of board of agriculture approved by . . . . .	181
board of health regulations to be approved by . . . . .	88, 89
bonding of public officers, duties concerning . . . . .	231-236
county elections called by . . . . .	63, 64
county office vacancies filled by . . . . .	66, 67
county polling places changed by . . . . .	61

forest reservations, government land, set apart by, etc...	124
cancelled how, hearings . . . . .	124, 125
funding bonded indebtedness, duties . . . . .	111-113
immigration, board of	
appointed by . . . . .	96
bonds of, approved by . . . . .	97
reports made biennially to . . . . .	98
vacancies in filled by . . . . .	97
liquor licensee may transfer premises with approval of..	143
parole of prisoners, duties concerning . . . . .	120, 121
prison inspectors.	
appointed by . . . . .	86
expenses approved by . . . . .	86
pardon applications referred to . . . . .	87
report quarterly to . . . . .	88
vacancies among filled by . . . . .	86
rapid transit speed limit approved by . . . . .	176
roads to settlements, public lands, approved by . . . . .	230
Standard Telephone Company's franchise forfeiture ap- proved by . . . . .	131

#### GUARDIANS.

district court suits on open account, law regarding not applicable to . . . . .	102
income tax returns made by . . . . .	199

### H

#### HEALTH, BOARD OF

licenses to practice medicine recommended by . . . . .	95
power to make sanitary regulations . . . . .	88, 89
president to give bond . . . . .	231-236
regulations, certain, to be approved by governor . . . . .	88, 89
see title under "County Act."	

#### HEARSEES.

annual tax on . . . . .	206
-------------------------	-----

#### HEMP.

exempt from taxes . . . . .	9
-----------------------------	---

#### HIGH SHERIFF.

bicycles untagged to be seized by, etc. . . . .	237
bond to be given by . . . . .	231-236
shall not practice law, penalty . . . . .	225
see title "sheriff" under "County Act."	

#### HIGHWAYS.

    see "Streets."

#### HILO.

high school to be established . . . . .	93
---	----

## HONOLULU JAIL.

see "Jail, Honolulu."

## HORSE SHOERS.

license necessary for . . . . . 92

## I

## IMMIGRATION, BOARD OF

accounts against, how paid . . . . .	99
accounts, when certified to territorial auditor . . . . .	99
advertisements in papers and magazines . . . . .	97, 98
agents may be employed by . . . . .	97
appointed by governor . . . . .	96
appropriations used only when subscriptions exhausted..	98, 99
limitation on use of . . . . .	99
auditor of board . . . . .	97
accounts, when certified to territorial auditor . . . . .	99
bills filed with . . . . .	99
bonds to be given by . . . . .	97
contracts may be made by . . . . .	97, 98
duty to induce settlers . . . . .	97
fund for, to be appropriated . . . . .	98
how drawn upon . . . . .	98, 99
limitation on use of . . . . .	99
members five . . . . .	96
oath of office . . . . .	97
office of the board . . . . .	97
pay of . . . . .	97
president of . . . . .	97
countersigns bank warrants . . . . .	99
reports biennial . . . . .	98
secretary of board . . . . .	97
accounts allowed recorded by . . . . .	99
accounts certified to territorial auditor, when . . . . .	99
countersigns bank warrants . . . . .	99
subscriptions for the use of . . . . .	98
deposited in banks . . . . .	99
how drawn upon . . . . .	99
used before appropriations . . . . .	98, 99
superintendent of immigration . . . . .	97
salary of . . . . .	98
term of office four years . . . . .	96
territorial institution . . . . .	96
transportation contracts made by . . . . .	98
vacancies in, how filled . . . . .	97



## INCOME TAX.

## appeals.

costs . . . . .	200, 201
heard when . . . . .	201
notice of to be filed, when . . . . .	200
to tax appeal court . . . . .	200
corporations how taxed . . . . .	196
corporation returns made when . . . . .	198
contents . . . . .	199
fiduciary shall make . . . . .	199
fraudulent returns, how dealt with . . . . .	200
perjury before assessor . . . . .	200
deductions allowable from income . . . . .	197, 198
delinquent, when . . . . .	201
interest on . . . . .	201
penalty for . . . . .	201
examination by assessor where fraud suspected . . . . .	200
exemption of one thousand dollars . . . . .	195, 198
of charitable associations, etc. . . . .	196
of insurance companies . . . . .	196
income, how computed . . . . .	197, 198
income includes what . . . . .	196, 197
individual returns.	
by whom made . . . . .	199
fraudulent returns, how dealt with . . . . .	200
made when . . . . .	199
payable when . . . . .	201
perjury in testifying falsely before assessor . . . . .	200
rate on person's income . . . . .	195
returns shall be made by whom . . . . .	198, 199
"taxation period" defined . . . . .	196
tax of two per cent. . . . .	195
territorial officers et al. taxed . . . . .	195

## INDEX.

registrar of conveyances records, how made . . . . .	57
--	----

## INHERITANCE.

adopted child, to or from . . . . .	183
-------------------------------------	-----

## INHERITANCE TAX.

## administrator.

see "Executor" under this title.

applies to what property . . . . .	238, 239
appraisement of property . . . . .	240, 241
penalty for taking bribes . . . . .	246
attorney general.	
citations prosecuted by . . . . .	247
bond for payment when . . . . .	241, 242

*INHERITANCE TAX—Continued.*

book of estates.	
contents . . . . .	247, 248
kept by clerk of court . . . . .	247
public record . . . . .	247
treasurer of territory furnishes. . . . .	247
book of "inheritance tax."	
contents . . . . .	249
kept by clerk of court . . . . .	249
bribes taken by appraiser, penalty . . . . .	246
circuit judges.	
bond for tax payment approved by . . . . .	241
citations issued by . . . . .	246, 247
compensation of executors et al. when fixed by. . . . .	241
jurisdiction under inheritance tax law . . . . .	246, 247
receipts filed with . . . . .	243
citation to enforce tax payment . . . . .	246, 247
attorney general prosecutes . . . . .	247
expenses of, how paid . . . . .	248
jurisdiction . . . . .	246, 247
clerk of court.	
book of estates kept by . . . . .	247, 248
book of "inheritance tax" kept by . . . . .	249
reports concerning to treasurer . . . . .	248
collected by treasurer . . . . .	248
"decendent" defined . . . . .	249
deducted by whom . . . . .	242, 243
discount when for payment . . . . .	242
due when . . . . .	240
enforced how . . . . .	246, 247
"estate" defined . . . . .	249
executors.	
bonds to pay tax when . . . . .	242
compensation of, when fixed by judge . . . . .	241
devises and bequests to, how taxed . . . . .	241
duty to deduct tax when . . . . .	242
liable for tax when . . . . .	239
liability to pay, discharged how . . . . .	243
receipts for, filed where and when . . . . .	243
sale of property by, to pay tax . . . . .	243
tax to be paid when . . . . .	243
exemption of certain institutions . . . . .	240
fiduciary companies, duties concerning non-resident de- cendants.	
notice of intended transfer of property to be served on treasurer . . . . .	241
penalty enforced how . . . . .	245-247

## INHERITANCE TAX—Continued.

penalty for non-compliance . . . . .	244
retention of property by to pay tax . . . . .	244
treasurer to examine property in charge of . . . . .	244
foreign executors et al, transfers by . . . . .	244
future estates, how valued . . . . .	246
rate of tax on . . . . .	246
insurance commissioner, duties . . . . .	246
interest on . . . . .	241
reduced when . . . . .	242
legacy in kind, how taxed . . . . .	243
liability for payment, how discharged . . . . .	243
lien of tax . . . . .	239, 241, 242
enforced how . . . . .	250
procedure and practice . . . . .	251
triable where . . . . .	251
non-resident decedents . . . . .	238, 239, 244, 245
payable when . . . . .	240, 241
payable to treasurer of territory . . . . .	243
penalties for non-compliance with law . . . . .	249
powers of appointment taxable when . . . . .	239, 240
"property" defined . . . . .	249
quieting title against territory.	
attorney general to defend . . . . .	251
procedure and practice . . . . .	251
service on attorney general . . . . .	251
triable where . . . . .	251
rate . . . . .	240
on future estate . . . . .	246
receipts for, filed where and by whom . . . . .	243
duplicates from treasurer, fees, contents . . . . .	248, 249
refund by beneficiary when . . . . .	243, 244
repeal of old law . . . . .	249
sale of property to pay tax . . . . .	243
stock transfers, how taxed, when decedent was non-	
resident . . . . .	244
"transfer" defined . . . . .	249
treasurer of territory.	
attorneys may be employed by . . . . .	248
blanks furnished to clerk of court . . . . .	247, 248
bond to pay tax filed with . . . . .	241
citation expenses, allowable by . . . . .	248
clerk of court reports to . . . . .	248
collects tax . . . . .	248
duplicate receipts furnished by, fee, contents . . . . .	248, 249
notifies attorney general of failure to pay tax . . . . .	247
receipts given by . . . . .	243

*INHERITANCE TAX—Continued.*

trustees.

see "executors" under this title.

who liable for payment of . . . . .	239
valuation of property . . . . .	239
valuation of property uncertain, appraisement . . . . .	245
basis of tax is report . . . . .	245
expenses of appraisement, how paid . . . . .	246
future estates, how valued . . . . .	245, 246
future estate, rate is 6% . . . . .	246
insurance commissioner's duties . . . . .	246
insurance commissioner, effect of certificate of . . . . .	246
notice by appraisers . . . . .	245
payment of appraisers . . . . .	246
report by appraisers . . . . .	245
value of inheritance fixed by report . . . . .	245

**INSTRUCTION, DEPARTMENT OF PUBLIC**

Hilo high school to be established by . . . . .	93
grade and standards to be maintained . . . . .	93
open to all persons . . . . .	93
territorial institution . . . . .	94
superintendent gives bond . . . . .	231-236

**INSURANCE COMMISSIONER.**

duties under inheritance tax law . . . . .	246
--	-----

**INSURANCE COMPANIES.**

certificate of authority may be revoked when . . . . .	175, 176
delinquency penalty . . . . .	175
life insurance companies, special provisions . . . . .	175
statement annually by . . . . .	175
taxation exemption as to income . . . . .	196
tax of 2 per cent. paid by . . . . .	175
taxes due and payable when . . . . .	175

**INTEREST.**

income tax delinquent . . . . .	201
inheritance taxes, interest on . . . . .	241, 242
legal rate is eight per cent. . . . .	101
pawnbrokers, rate allowed . . . . .	40
personal and property taxes delinquent . . . . .	211
usury, what is . . . . .	44
warrants, drawn by counties, when registered . . . . .	79
warrants payable to counties, when registered . . . . .	218, 219

**INTOXICATING LIQUORS.**

adulteration of . . . . .	148, 149
application for licenses . . . . .	135
appeal from treasurer's refusal to issue license . . . . .	137
from district magistrate . . . . .	147
arbitration after refusal by treasurer to issue license. . . . .	137, 138

INTOXICATING LIQUORS—*Continued.*

arrest by police observing violations .....	144
bankruptcy of licensee .....	142, 143
bond forfeited for what .....	142
shall accompany application for license .....	138
surety, qualifications .....	139
buildings restricted for sale of to certain locations .....	136
citizens' duties concerning .....	144
civil remedies because of damage from .....	152, 153
classification of licenses .....	133
clubs, social, paying tax, not subject to license fee.....	29
condemnation of, after seizure .....	146, 147
conditions of licenses .....	140, 141
contents of license .....	134
consideration for sale of, shown how .....	145
death of license-holder .....	142, 143
defined .....	132
destruction of .....	148
disclosure of places where sold, how forced .....	153
disqualifications for licensees .....	137
district magistrate, duties, etc., concerning.	
see "District Magistrate."	
evidence and proofs at trials .....	144, 145
federal tax receipt, evidence of what .....	145
fees for licenses .....	133
fifth-class license bond .....	139
fifth-class licenses restricted to what areas .....	135
first class license bond .....	138, 139
five classes of licenses .....	133
forfeiture of license .....	142
fourth-class bond .....	138
"gallon" defined .....	132
"habitual drunkard" defined .....	153
hotel licenses .....	136, 141
illicit sales of liquor .....	144-148
inspection by police .....	144
license not transferable .....	143
license to be displayed .....	140
licenses under old law exchangeable for new .....	154
manufacture of, licenses for .....	133
minors not to be furnished or allowed in saloons.....	140, 141
penalties concerning .....	149-152
penalty for hindering police, etc. ....	144
persons to whom licenses shall not be granted .....	137
places for which licenses shall not be granted .....	137
police inspection .....	144
premises of sale not to be changed .....	143

*INTOXICATING LIQUORS—Continued.*

proof of license is upon licensee .....	145
prosecutions concerning, how specified .....	154
protest against issuing license by voters .....	136
record of licenses kept by treasurer .....	134
refunds of license fee when .....	143
refusal of license, procedure .....	137
replevin of seized liquor .....	148
restrictions on granting licenses .....	136
restrictions on sales .....	140-141
Revised Laws, Chapter 103, repealed .....	154
revocation of licenses by treasurer .....	142
seals on fifth-class licenses .....	134
seal of fifth-class broken, etc., seizure of liquor .....	148
search warrant for .....	145
second-class license needs no bond .....	139
seizure of, without warrant .....	146
seizure of with warrant .....	145
sheriff may sell when .....	143
surety on bonds .....	139
"Sunday" defined .....	132
third-class bond .....	138
transfer of license .....	142
treasurer grants licenses for sale of .....	133
warrant of arrest, illicit sales .....	145
who shall not be given licenses .....	136
wine, license to manufacture .....	133
written consent of property-holders necessary before li- cense .....	136

**J****JAIL, HONOLULU.**

felons not to be confined in .....	116
hard labor, prisoners not subject to .....	116
new prison at Iwilei, Honolulu, to be known as .....	116
see "Prison Inspectors."	

**JOINT RESOLUTIONS.**

certificates, Hawaiian gold and silver to be destroyed .....	255
code and county commissioners to be given copies of laws .....	256
congressional aid for study of leprosy .....	253
Kalakaua avenue named .....	257
Kaukonahua bridge construction .....	260, 261
paid-up territorial warrants to be destroyed .....	254
special treasury deposit land sales, transfer to authorized .....	258, 259

**JUDGMENT.**

entered by clerk, when .....	42
------------------------------	----

**JURORS.**

clerk and judge make up list when .....	169
drawings from lists, how made .....	170, 171
drawn ten days before term .....	171
examined how as to qualification or interest .....	8
grand jury challenges to be made when .....	172
how drawn by clerk .....	170
lists of, made by commissioners .....	168, 169
lists of, additional names added to .....	169
list exhausted, new venire to be drawn .....	172
locking up only at judge's discretion .....	173
panel incomplete, additional jurors .....	172
qualification to act as .....	168
separate list of those who served during term .....	171
exempted or disqualified .....	171
used again when .....	171
term of jury commissioners .....	168

**JUVENILE DELINQUENTS.**

breach of parole, penalty .....	32
parole, conditions when under .....	31, 32
paroled when .....	31
police to keep separate from older offenders .....	32
probation officers.	
act when .....	31
duties .....	31, 32
reports by .....	32
serve without pay .....	31
trials of, at separate times from older offenders .....	32

**L****LANDLORD AND TENANT.**

see "Summary Possession Proceedings."	
writ of possession, right to, not abridged by R. L. sec. 1861 .....	224

**LANDS, PUBLIC.**

forest reservations on .....	124
roads to or through, when opened for settlement.	
commissioner of public lands may set apart proceeds .....	230
contract work to settlers for roads .....	231
governor to approve .....	230
proceeds from sales set apart .....	230
special deposit in treasury .....	231
superintendent of public works to build .....	231

**LICENSE.**

emigrant agent.	
fee is \$500 annually .....	115
issued like other licenses .....	115

farriers.	
see "horse shoers" under this title.	
fees for payable July 1st.....	36
firearms, Oahu, law repealed .....	221
foreign corporations .....	228-230
horse-shoers.	
application to treasurer, contents.....	92
certificate by sheriff .....	92
examination before license granted .....	92
fee is annually \$5.....	92
penalty . . . . .	92
liquor.	
see "Intoxicating Liquor."	
marriage.	
bribery etc. concerning, penalty.....	14
fee is one dollar .....	14
medicine and surgery.	
board of health recommends.....	95
fee annually \$10 .....	96
treasurer grants .....	95
osteopathy.	
fee annually \$10 .....	96
license from treasurer .....	95
pawnbroking.	
conditions of .....	40, 41
fee is fifty dollars a year.....	40
second-hand dealers.	
conditions under .....	34, 25
fee annually \$25 .....	34
penalty for no license or for violations.....	25
veterinary.	
examination necessary before granting of.....	83
fee is \$10 .....	84
form of .....	84
necessary when .....	83
penalty . . . . .	85
revoked how .....	85
treasurer grants .....	83
<b>LIEN.</b>	
inheritance tax liens.	
see "Liens" under title "Inheritance Tax."	
tax lien how enforced and foreclosed.....	211, 212
<b>LIGHTS.</b>	
certain vehicles to have, after dark.....	30
<b>LIMITATIONS, STATUTE OF.</b>	
denied to foreign corporations unlicensed.....	229, 230



prosecution of certain crimes. ....	19, 20
Revised Laws not to affect . ....	4
LIQUORS, INTOXICATING.	
see "Intoxicating Liquors."	

## M

MARKETS, CERTAIN LAWS REPEALED.....	25
MARRIAGE.	
agents to grant licenses.	
appointed by treasurer of territory.....	14
bribery or excess charge, penalty.....	14
fee for license to marry one dollar.....	14
MEDICINE.	
license to practice .....	95
see "Osteopathy."	
MISDEMEANORS.	
not punishable at hard labor.....	37

## N

NEW TRIAL.	
motion for.	
bond . . . . .	42
execution stayed by .....	42
ten days for filing .....	42
NUISANCES.	
regulations respecting, made by board of health.....	88
removed when by sup't of public works.....	25
Sunday amusements not to be made.....	17

## O

OAHU PRISON.	
persons other than felons not to be confined in.....	117
OMNIBUSES.	
annual tax on .....	206
OSTEOPATHY.	
license to practice .....	95
applicant to file what .....	95
drugs and medicine not to be administered.....	95
fee \$10 annually .....	95
OX CART.	
annual tax on .....	205

## P

## PARDONS.

applications for, referred to prison inspectors.....	87
--	----

## PARKS.

Punchbowl park, Honolulu, land set apart for.....	252
Waikiki park, Honolulu, land set apart for.....	252

## PAROLE OF PRISONERS.

after minimum term served .....	120
felon not allowed parole when .....	121
governor may grant .....	120
murderer not allowed parole .....	121
person confined more than one sentence .....	122
person under, still in custody .....	121
permits going outside prison .....	121
prison inspectors to recommend .....	120
reasons for recommendation .....	121
recalled, what imprisonment allowed.....	122
recalled when .....	121
recommendation by majority of prison inspectors.....	121
rules concerning, made how .....	121
warrant of recall.....	121

## PAWNBROKERS.

books shall be kept by.....	40
inspection by treasurer and police.....	41
interest rate allowed .....	40
license fee \$50 annually .....	40
minors, shall not do business with.....	41
sale of pledge by .....	40
stolen goods suspected, report to police.....	41

## PERJURY.

false testimony regarding birth certificates.....	123
---	-----

## PHYSICIANS.

license to practice necessary for .....	95
fee \$10 annually .....	96
livestock treated by without veterinary license.....	83

## POI MANUFACTURE, LAW REPEALED..... 166

## POLICE.

bicycles untagged to be seized by etc.....	237
executions, civil, postponed by .....	19
juvenile offenders to be separated from older prisoners...	32
liquor selling premises inspected by .....	143, 144
pawnbrokers, supervision of .....	41
second-hand dealers' business inspected by .....	35
warrant rearrest paroled prisoner to be served by.....	121
see "Attachments."	

**POOR CONVICT.**

discharge by circuit judge .....	37
----------------------------------	----

**PRISONS.**

commutation for prisoners.	
allowed from what date .....	101
allowed when .....	100
board of inspectors control .....	100
computed how .....	100
noted on record .....	101
when two or more sentences .....	100
fines and costs discharged at rate \$1 per day .....	37
no hard labor for misdemeanors .....	37
poor convicts liberated how .....	37
see "Jail, Honolulu"; "Oahu Prison"; "Parole of Prisoners"; "Prison Inspectors."	

**PRISON INSPECTORS.**

access to prisons at all times .....	87
board, one for each judicial circuit .....	83
appointment of .....	86
chairman of board .....	87
expenses paid .....	86
meetings monthly .....	83
no pay .....	86
quorum at meetings .....	88
records and reports .....	88
secretary of board .....	88
three members on each board .....	86
vacancies in, how filled .....	86
commutation for prisoners.	
awardees chosen by .....	87
controlled by .....	100
duty to visit prisons and jails .....	86
garb of prisoners decided by .....	87
parole of prisoners .....	120-122
pardon, applications for considered by .....	87
power concerning prisons and prisoners .....	86, 87
punishment for violating .....	87
rules for prisoners made by .....	87
sanitation of jails inspected by .....	86

**PROBATE.**

see "Executors and Administrators"; "Inheritance Tax."	
--	--

**PROCEDURE.**

amendments to certain bonds allowed .....	16
divorce.	
no costs where leprosy is grounds for .....	22

proof when leprosy is ground of libel .....	23
exceptions, time for allowing bills runs from verdict, judgment or order excepted to .....	15
execution stayed by motion for new trial.....	42
may issue when .....	42
sales may be postponed by officer.....	19
judgment may be entered when.....	42
jurors how examined as to qualifications or interest.....	8
jury locked up when .....	173
juvenile delinquents .....	31, 32
limitation on prosecutions in certain crimes.....	19, 20
new trial, motion for, stays execution.....	42
bond for .....	42
ten days for filing .....	42
setoff, results of pleading .....	117
suits, open account, district court.	
affidavit may be made by whom.....	102
delivery, what is prima facie proof of.....	103
does not apply to whom.....	102
effect of filing a certain affidavit.....	102
law inapplicable to past accounts.....	103
setoff may be used .....	102
tax lien foreclosure .....	211, 212
terms of court, when and where held.....	28
length and extension .....	43
trial of causes at pending terms .....	11
exception as to jury civil trials, first circuit.....	43
writs, certain, available in all circuits.....	13
see "Appeals"; "Attachments"; "Jurors"; "Summary Possession Proceedings."	

#### PUBLIC LANDS.

see "Lands, Public."

### Q

#### QUIETING TITLE.

see same title under "Inheritance Tax."

### R

#### RAPID TRANSIT, HONOLULU.

speed limit increased .....

176

#### RECORDS, PUBLIC.

registrar of conveyances, how kept and indexed.....

5-7

wrongful taking, alteration, erasure or mutilation, penalty 33, 34

**REGISTRAR OF CONVEYANCES.**

acknowledgment necessary before recording . . . . .	163
acknowledgment taken before whom . . . . .	163
consolidation of yearly indexes authorized . . . . .	7
commissioners to partition deeds, how indexed . . . . .	6
copies of indexes to be made yearly . . . . .	7
"Daily Entry Book" kept by . . . . .	5
grantor and grantee names to be indexed . . . . .	6
hours for receiving for record . . . . .	10
indexes in two sets kept by . . . . .	5, 6
margin of record to contain certain references . . . . .	10
order and time of recording . . . . .	10
plan of land may be received for record . . . . .	26
monuments shall be placed on land . . . . .	26
scale of plans necessary . . . . .	27
size and material to be used . . . . .	27
what they shall contain . . . . .	26
where tracts of land are to be subdivided into lots . . . . .	26, 27
record books furnished by treasurer of territory . . . . .	9
unacknowledged deed, how proved for record . . . . .	163

**RESOLUTIONS, JOINT, OF LEGISLATURE.**

    see "Joint Resolutions."

**REVISED LAWS OF HAWAII.**

enacted as law . . . . .	2-4
--------------------------	-----

**RUBBER.**

exempt from taxes . . . . .	9
-----------------------------	---

**S****SAFE DEPOSIT COMPANIES.**

    see title "Fiduciary Companies" under "Inheritance Tax."

**SEARCH WARRANT.**

    see "District Magistrate."

**SECOND-HAND DEALERS.**

books kept by . . . . .	35
inspection of business . . . . .	35
licenses necessary for . . . . .	31
penalty for no license or violations of license . . . . .	35

**SECRETARY OF THE TERRITORY.**

archives, ex-officio member of board of commissioners . . . . .	27
birth certificates issued by . . . . .	122, 123
county election 1905, duties . . . . .	65, 66
county seal impress, filed with . . . . .	72
U. S. district court decisions printed by authority of . . . . .	23
sold by . . . . .	24

**SETOFF.**

costs when no balance .....	177
judgment for whom balance is due.....	177
judgments when amounts equal .....	177
no judgment against assignee plaintiff for balance.....	177

**SEWERS.**

connecting with, in charge of sup't of public works.....	25
rates how collected .....	25

**SHEEP, DISEASE OF, LAW REPEALED..... 178****SHERIFF.**

bicycles untagged to be seized by .....	237
shall not practice law, penalty.....	225
horseshoers applying for license examined by.....	92
see "Attachments"; "Police."	
see title under "County Act."	

**STANDARD TELEPHONE COMPANY LIMITED.**

acquisition of other systems, powers after .....	126, 129
advertising on poles etc. penalty.....	128
directors, majority to be residents of territory.....	131
eminent domain may be exercised by.....	128
procedure . . . . .	129
excavations in streets immediately filled up.....	127
forfeiture of franchise .....	131
franchise forfeiture procedure .....	131
franchise granted to .....	125
franchise lapses if operations not completed within two years . . . . .	130
franchise not exclusive .....	131
franchise may be mortgaged .....	129
highways may be used by .....	126
injury to property of, penalty.....	128
inspection of books etc. by sup't public works.....	131
law concerning takes effect when.....	132
money may be borrowed by .....	129
mortgage bonds may be issued by.....	129
neglect to conform to street grades, penalty.....	127
office to be maintained by .....	131
poles how to be erected .....	127
rates for use of instruments .....	130, 131
rules and regulations may be made by .....	128
surface of street to be replaced.....	127
street grades, conduits to conform to.....	127
system to be in operation in two years.....	130
tapping wires, penalty .....	128
tax on gross proceeds paid quarterly to territory.....	130
telephone companies may be acquired by etc.....	126, 129

twenty-five years franchise .....	125
underground wires within certain limits in Honolulu.....	126
grades of streets to be ascertained and followed....	126, 127
how constructed . ....	126
wires may be constructed and maintained.....	127
<b>STENOGRAPHER, FIRST CIRCUIT COURT.</b>	
certificate of competency to be filed.....	215
examination as to competency .....	214
qualifications .....	214
<b>STREETS.</b>	
cleaning of in charge of sup't of public works .....	25
driving and riding fast across bridges, penalty.....	117
fire engines right of way during fires.....	108
grades to be respected by Standard Telephone Company	
Ltd. ....	127
"Kalakaua Avenue," Honolulu named.....	257
Kaukonahua bridge, Oahu, construction of .....	260, 261
lights on certain vehicles after dark.....	30
public land settlements, to or through.....	230, 231
road taxes expended by supervisors.....	219
Standard Telephone Company Ltd. may use.....	126-127
see "Wide Tire Act."	
<b>SUITS ON OPEN ACCOUNTS, DISTRICT COURT.....</b>	
	102, 103
<b>SULKY.</b>	
annual tax on .....	205
<b>SUMMARY POSSESSION PROCEEDINGS.</b>	
adjournment of suit .....	224
complaint in writing .....	222
district court has jurisdiction .....	221
jurisdiction confined to where land is.....	222
service how made .....	223
service within or without district where land is.....	222
summons how served .....	223
summons to contain what .....	222
trial ten days after service, exception.....	224
trial when defendant not found in district .....	222
writ of possession may issue notwithstanding R. L. 1861..	224
<b>SUNDAY.</b>	
amusements on, allowed when .....	17
defined in liquor law .....	132
labor on forbidden, exceptions.....	17
<b>SUPERINTENDENT OF IMMIGRATION.</b>	
president of board of immigration is.....	97
salary of .....	98
<b>SUPERINTENDENT OF PUBLIC INSTRUCTION.</b>	
bond to be given by .....	231-236

**SUPERINTENDENT OF PUBLIC WORKS.**

bond to be given by .....	231-236
dues cotncerning garbage removal and sewerage extended	25
duty to furnish flags when.....	12
fire departments controlled by.....	104, 105
rapid transit speed limit controlled by.....	176
report to legislature concerning flags.....	12
roads, public land settlements built by.....	231
Standard Telephone Company Ltd., powers and duties con- cerning . . . . .	125-131

**SUPREME COURT.**

costs at chambers .....	90
county supervisors impeached before . . . . .	110
district magistrates removable by.....	119
parties entitled to hearing before full court .....	217
unacknowledged deed proved before a justice.....	163
vacancies on, how filled .....	217
see "Election Contests" under "County Act."	

**SURVEYOR OF TERRITORY.**

bond to be given by .....	231-236
---------------------------	---------

**T****TAXATION.****appeal court.**

certificate of appeal .....	208
income tax hearings, costs, etc.....	200, 201
personal and property notices of appeal filed when.....	204, 208
personal and property tax hearings when.....	204
proceedings before how started.....	208
sessions of .....	209
who may appeal to .....	207, 208

**assessors.**

appeal certificate granted by .....	208
assessment books, duties concerning .....	204, 207
bicycle tax tags furnished by .....	237
compensation of .....	205
deputies how paid .....	205
deputies' lists .....	209, 210
duties to advertise what and when.....	204, 205
notification of raise in value to tax payer.....	207
public notice, time and place of collecting tax.....	212
automobile annual tax on .....	205
basis of values for.....	202, 203
bicycles.	

see "Bicycles, Taxation of."



*TAXATION—Continued.*

brakes, annual tax on .....	205
carriages, annual tax on .....	206
carts, annual tax on .....	206
clubs, social, distributing liquors to members.....	28, 29
payment of tax authorizes what.....	29
counties, fifty per centum of certain paid to.....	217, 218
dates .....	200, 201, 203-205
demand for payment of taxes what necessary .....	212, 213
distress for taxes .....	213
drays, annual tax on .....	206
enterprise for profit .....	202, 203
equalization board.	
consists of whom .....	206
meets in Honolulu .....	206
meets when .....	205, 206
publication of findings .....	206, 207
rules regarding assessment and valuation made by.	206
treasurer is chairman .....	206
exemption, of certain industries .....	8, 9
fire department members.....	106
funded debt bonds of territory.....	112
income tax .....	195, 198
inheritance tax.	
see title "Exemptions" under "Inheritance Tax."	
notice of exemption refused .....	207
social clubs, none from property taxes.....	29
hearses, annual tax on .....	206
income tax .....	195-201
see title "Income Tax."	
insurance companies .....	175, 176
lien of tax on property and improvements, how enforced	
and foreclosed .....	211, 212
omnibuses, annual tax on .....	206
oxcarts, annual tax on .....	205
payment enforced.	
by action of assumpsit .....	213
by distress .....	213
by foreclosure of lien .....	211, 212
"personal taxes" defined .....	213
personal and property taxes.	
advertisement of delinquent taxes when.....	204
advertisement for tax returns.....	205
appeal court sits when.....	204
appeal notice filed when.....	204
assessed as of January 1st.....	203
assessment books, made up and open when.....	204, 207

**TAXATION—Continued.**

assessment lists copied by deputy assessors.....	210
assessors shall attend at place for collecting taxes	
when . . . . .	204, 210
dates . . . . .	203-205
delinquent when . . . . .	204, 210
interest on delinquent taxes . . . . .	211
list is basis for collection.....	210
notice of raise in value.....	207
notice of tax lists open to public.....	207
notice of time and place of collection.....	212
payable when . . . . .	203, 204, 210
penalty for delinquency . . . . .	210, 211
penalties attach when, if appeal taken.....	211
returns made when . . . . .	204
poll tax payable when . . . . .	210
public notice, time and place of collection.....	212
public utility franchise . . . . .	202
road taxes expended by supervisors.....	219
consist of what . . . . .	206
expended locally . . . . .	206
payable when . . . . .	210
special deposits in treasury . . . . .	206
school taxes payable when . . . . .	210
specific taxes.	
consist of what . . . . .	214
delinquent when . . . . .	210
payable when . . . . .	204, 210, 212
sulkies, annual tax on . . . . .	205
territorial, certain funds reserved . . . . .	219
wagons, annual tax on . . . . .	206
<b>TELEPHONE.</b>	
see "Standard Telephone Company, Limited."	
<b>TERMS OF COURT.</b>	
length and extension of.....	43
when and where held . . . . .	38
<b>TERRITORIAL JAIL.</b>	
high sheriff in charge of.....	69
<b>TERRITORIAL VETERINARIAN.</b>	
board of agriculture appoints.....	181
duties . . . . .	181
powers . . . . .	181
salary . . . . .	181
<b>TOBACCO.</b>	
exempt from taxes . . . . .	9
<b>TRADING STAMPS PROHIBITED.....</b>	<b>192, 193</b>

## TREASURER OF TERRITORY.

agents to grant marriage licenses appointed by.....	14
"bond record" to be kept by.....	234
bond to be given by.....	231-236
clubs, social, tax on collected by.....	29
counties, payments to of what taxes.....	217-220
interest on registered warrants .....	218, 219
notice to pay warrants.....	218, 219
penalties certain, may be incurred by.....	220
registration of warrants.....	218
reservation of certain funds for territory.....	219, 220
road taxes, special deposits, how paid out.....	219
warrants drawn monthly .....	218
deputy assessor's compensation approved by.....	205
equalization board presided over.....	206
farriers license granted by .....	92
fiduciary companies, duties concerning .....	155, 156
flag sale proceeds paid to by sup't public works.....	12
foreign corporations, duties and powers concerning.....	228-230
funding bonded indebtedness, duties .....	111-113
horse shoers license granted by .....	92
medicine and surgery licenses issued by .....	95
osteopathy licenses issued by .....	95
payment of county warrants registered.....	218, 219
pawnbroking licenses issued by .....	39, 40
business inspected by .....	41
registrar of conveyances furnished with books by.....	9
road taxes payable to whom.....	219
second-hand dealers licenses issued by .....	34
business of, inspected by .....	35
special deposits.	
land sales, certain transfer to authorized.....	258, 259
proceeds sale land opened for settlement, for roads.	231
road taxes .....	206, 219
Standard Telephone Company, Ltd. pays 2 1-2 per cent	
gross income .....	130
territorial funds, taxes reserved for.....	219
trust companies, powers and duties concerning.....	158, 160, 161
veterinary licenses granted by .....	83
fee is \$10 .....	84
form of license .....	84
revocation of licenses by .....	85
warrants payable to counties etc.....	217-220
see "Inheritance Tax"; "Intoxicating Liquors"; "Taxation."	

## TRUST COMPANIES.

bond required when acting as court fiduciary.....	160
---	-----

capital, minimum allowed .....	158
certificate from treasurer of territory .....	158
charter to contain purposes .....	157
definition of .....	157
income tax returns for clients to be made by .....	199
investments trust accounts made by, at its own risk .....	160
liability for bad trust investments .....	160
name to contain "trust" .....	157
penalty .....	158
no power.	
to discount commercial paper .....	159
to do banking business .....	159
to do savings bank business .....	159
to issue bills as money .....	159
penalty for acting without complying with law .....	158
powers.	
to act as attorney or agents .....	158
to act as stock and bond broker .....	159
to act as surety and insurance agents .....	158
to be executor, administrator, trustee, receiver, as- signee or guardian .....	159
to execute and issue necessary papers etc. ....	159
to hold and convey personalty .....	159
to hold and convey realty .....	159
to rent safe deposit vaults .....	159
to take, hold and administer trusts .....	158
reports, form of .....	162
not made penalty .....	160
to be published .....	160
verified, to be made .....	160
supervised by territory like banking companies .....	161
winding up, assets used how .....	161, 162
forced in what event .....	161
see title "Fiduciary Companies" under "Inheritance Tax."	

#### TRUSTEES.

district court suits on open account, law regarding not ap- plicable to .....	192
income tax returns made by .....	199
see title "Executors" under "Inheritance Tax."	

## U

#### UNITED STATES DISTRICT COURT DECISIONS.

appropriation for printing .....	23
publication of .....	23

#### UNITED STATES FLAG.

see "Flag of the United States."	
----------------------------------	--

**USURY.**

definition of .....	44
penalty .....	44

**V****VEHICLES.**

annual tax on .....	206
---------------------	-----

**VETERINARIES.**

board of veterinary examiners .....	83
examinations before .....	83
licenses necessary when .....	83
fee for .....	84
form of .....	83
hearing before revocation of .....	85
issued by treasurer .....	84
obtained how .....	83
revoked how .....	85
penalty for no license .....	85
territorial veterinarian .....	181

**VOTING.**

see "Elections."

**W****WAGONS.**

annual tax on .....	206
---------------------	-----

**WARRANTS.**

county, drawn by.	
see titles under "County Act."	
search.	
see "District Magistrate."	
territorial in favor of counties.....	217-220

**WIDE TIRE ACT.**

width of tires required .....	91
-------------------------------	----

**WIDOW.**

see "Dower."

**WILLS.**

election by widow to take under.....	89
--------------------------------------	----

**WINE, MANUFACTURE OF.**

application for license .....	135
conditions of license .....	140, 141
contents of license .....	134
fee for license .....	133
license for .....	133
no bond required under license .....	139
see "Liquors, Intoxicating."	

## WRIT.

execution etc., available in all circuits when.....	13
landlord's writ of possession not abridged by R. L. 1861.	224

## REVISED LAWS SECTIONS ADDED TO.

390A .....	180
290B .....	181
390C .....	181
390D .....	182
390E .....	182
390F .....	182
390G .....	182
1205A .....	237, 238
1215A .....	213
1215B .....	214
1758A .....	177
1782A .....	172
2097A .....	224
2566A .....	215, 216

REVISED LAWS SECTIONS SPECIFICALLY AMENDED OR  
REPEALED.

section 86 amended .....	29, 30
section 378 amended .....	180
section 379 amended .....	124
section 381 amended .....	124
section 388 amended .....	180
section 390 amended .....	180
section 440 repealed .....	179
section 441 repealed .....	179
section 443 repealed .....	179
section 446 amended .....	179
section 447 amended .....	179
section 448 repealed .....	179
section 450 repealed .....	179
section 451 repealed .....	179
section 452 repealed .....	179
section 453 repealed .....	179
section 454 repealed .....	179
section 455 repealed .....	178
section 456 repealed .....	178
section 457 repealed .....	178
section 458 repealed .....	178
section 643 amended .....	117
section 645 amended .....	91
section 646 repealed .....	91

section 842 amended .....	176
section 991 amended .....	88
section 1035 amended .....	25
section 1039 amended .....	25
section 1058 repealed .....	166
section 1059 repealed .....	166
section 1061 repealed .....	166
section 1062 repealed .....	166
section 1068 amended .....	95
section 1183 amended .....	203, 204
section 1195 amended .....	205
section 1203 amended .....	205
section 1204 amended .....	206
section 1205 amended .....	236, 237
section 1206 amended .....	206
section 1211 repealed .....	213
section 1216 amended .....	202
section 1229 repealed .....	213
section 1236 amended .....	206
section 1243 amended .....	207
section 1244 amended .....	207
section 1245 amended .....	208
section 1247 amended .....	208, 209
section 1247 amended .....	209
section 1259 amended .....	209, 210
section 1263 amended .....	210
section 1264 amended .....	210
section 1265 amended .....	210, 211
section 1266 amended .....	211, 212
section 1267 amended .....	212
section 1269 amended .....	213
section 1278 amended .....	195
section 1279 amended .....	196
section 1280 amended .....	196
section 1281 amended .....	197
section 1282 amended .....	198, 199
section 1283 amended .....	199, 200
section 1286 amended .....	200
section 1288 amended .....	201
section 1290 repealed .....	249
section 1291 repealed .....	249
section 1292 repealed .....	249
section 1293 repealed .....	249
section 1294 repealed .....	249
section 1295 repealed .....	249
section 1296 repealed .....	249

section 1297 repealed .....	249
section 1373 repealed .....	221
section 1374 repealed .....	221
section 1392 amended .....	39, 40
section 1393 amended .....	40, 41
section 1419 repealed .....	154
section 1420 repealed .....	154
section 1421 repealed .....	154
section 1422 repealed .....	154
section 1423 repealed .....	154
section 1424 repealed .....	154
section 1425 repealed .....	154
section 1426 repealed .....	154
section 1427 repealed .....	154
section 1428 repealed .....	154
section 1429 repealed .....	154
section 1430 repealed .....	154
section 1431 repealed .....	154
section 1432 repealed .....	154
section 1433 repealed .....	154
section 1434 repealed .....	154
section 1435 repealed .....	154
section 1436 repealed .....	154
section 1437 repealed .....	154
section 1438 repealed .....	154
section 1439 repealed .....	154
section 1440 repealed .....	154
section 1441 repealed .....	154
section 1442 repealed .....	154
section 1443 repealed .....	154
section 1444 repealed .....	154
section 1445 repealed .....	154
section 1446 repealed .....	154
section 1447 repealed .....	154
section 1448 repealed .....	154
section 1449 repealed .....	154
section 1450 repealed .....	154
section 1451 repealed .....	154
section 1452 repealed .....	154
section 1453 repealed .....	154
section 1454 repealed .....	154
section 1455 repealed .....	154
section 1456 repealed .....	154
section 1457 repealed .....	154
section 1458 repealed .....	154
section 1459 repealed .....	154



section 1460 repealed .....	154
section 1461 repealed .....	154
section 1462 repealed .....	154
section 1463 repealed .....	154
section 1464 repealed .....	154
section 1465 repealed .....	154
section 1466 repealed .....	154
section 1467 repealed .....	154
section 1468 repealed .....	154
section 1469 repealed .....	154
section 1470 repealed .....	154
section 1471 repealed .....	154
section 1472 repealed .....	154
section 1473 repealed .....	154
section 1474 repealed .....	154
section 1475 repealed .....	154
section 1476 repealed .....	154
section 1477 repealed .....	154
section 1478 repealed .....	154
section 1479 repealed .....	154
section 1480 repealed .....	154
section 1481 repealed .....	154
section 1482 repealed .....	154
section 1483 repealed .....	154
section 1484 repealed .....	154
section 1485 repealed .....	154
section 1486 repealed .....	154
section 1487 repealed .....	154
section 1488 repealed .....	154
section 1489 repealed .....	154
section 1490 repealed .....	154
section 1491 repealed .....	154
section 1492 repealed .....	154
section 1493 repealed .....	154
section 1494 repealed .....	154
section 1495 repealed .....	154
section 1496 repealed .....	154
section 1497 repealed .....	154
section 1498 repealed .....	154
section 1499 repealed .....	154
section 1500 repealed .....	154
section 1501 repealed .....	154
section 1502 repealed .....	154
section 1598 repealed .....	88
section 1599 repealed .....	88
section 1600 repealed .....	88

section 1601 repealed .....	88
section 1602 repealed .....	88
section 1603 repealed .....	88
section 1604 repealed .....	88
section 1605 repealed .....	88
section 1606 repealed .....	88
section 1607 repealed .....	88
section 1610 amended .....	100
section 1613 amended .....	109
section 1616 amended .....	101
section 1634 amended .....	217
section 1646 amended .....	42, 43
section 1660 amended .....	118
section 1661 amended .....	118
section 1170 amended .....	168
section 1776 amended .....	168
section 1777 amended .....	168, 169
section 1779 amended .....	170
section 1780 amended .....	171
section 1782 amended .....	172
section 1786 amended .....	172
section 1804 amended .....	41, 42
section 1805 amended .....	42
section 1820 amended .....	19
section 1864 amended .....	15
section 1885 amended .....	16
section 1889 amended .....	90
section 2090 amended .....	221, 222
section 2091 amended .....	222
section 2093 amended .....	224
section 2210 amended .....	13, 14
section 2230 amended .....	22
section 2232 amended .....	22, 23
section 2284 amended .....	89
section 2358 amended .....	9
section 2359 amended .....	10
section 2361 amended .....	163
section 2592 amended .....	174
section 2621 amended .....	175
section 2624 amended .....	228
section 2625 amended .....	228, 229
section 2626 amended .....	229
section 2683 repealed .....	25
section 2684 repealed .....	25
section 2686 repealed .....	25
section 2693 amended .....	101

section 2886 amended .....	36
section 2887 amended .....	37
section 2888 amended .....	37
section 3029 amended .....	33
section 3124 amended .....	30
section 3190 amended .....	17
section 3191 amended .....	17

# LAWS.

1905 act 34.	
section 1 amended .....	114
1905 act 39.	
section 12 amended .....	109
section 13 amended .....	109
section 16 amended .....	109
section 24 amended .....	109
section 27 amended .....	110
section 28 amended .....	110
section 39 amended .....	110
section 62 amended .....	111
section 61 amended .....	111
section 62 amended .....	111
section 87 repealed .....	110
section 88 repealed .....	110
section 89 repealed .....	110